



AGENDA
ELGIN CITY COUNCIL
REGULAR MEETING
TUESDAY, NOVEMBER 15, 2022
ELGIN PUBLIC LIBRARY ANNEX COUNCIL CHAMBERS
404 NORTH MAIN STREET
6:30 PM

Members of the public may watch the meeting at:

https://www.youtube.com/channel/UC3OGBV_loV0Nr3AqM1jJTzA

I. CALL TO ORDER

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. PUBLIC HEARING

1. **Public Hearing On An Ordinance Annexing Adjacent And Contiguous Territory To The City Of Elgin, Texas To Wit: Being A 10.00 Acres Of Land Tract Or Parcel Of Land, Situated Out Of The William Henry Martin Survey, No. 53, In Travis County, Texas (Travis Co. Appraisal District #248221), Including Adjacent Right-Of-Way, And Being Fully Described In Exhibit A Attached Hereto; Providing For A Savings Clause And Repealing Conflicting Ordinances And Resolutions.**

Documents:

[NEW PUBLIC HEARING COUNCIL COVERSHEET.PDF](#)

2. **Public Hearing On An Ordinance Amending The Official Zoning Map Of The City Of Elgin, Texas Adopted In Chapter 46, Section 46-3, Revised Code Of Ordinances, City Of Elgin, Texas, 2013 And Making This Amendment A Part Of Said Official Zoning Map, To Wit: To Rezone From R-2 Single Family And Garage Apartment District To C-2 General Commercial District, Located On A Parcel Of Land Known By The Bastrop Co. Appraisal District As Parcel 12934 (SMITH, J.S., LOT 86, ACRES 0.602) Being Described In Exhibit "A", Attached Hereto And Providing A Savings Clause And Repealing Conflicting Ordinances And Resolutions.**

Documents:

[NEW PUBLIC HEARING COUNCIL COVERSHEET.PDF](#)

3. **Public Hearing On An Ordinance Amending Chapter 32, Signs, Revised Code Of**

Ordinances, City Of Elgin, Texas And Modifying Section 32-3, Section 32-57, Section 32-103, Section 32-127, Section 32-164, Section 32-167, Section 32-193, Section 32-194, Sections 32-215 Thru 32-221, Section 32-225, Section 32-267, Section 32-298, Sections 32-319 Thru 32-320, Section 32-322, Section 32-325, & Section 32-331 & Addition In Its Entirety Of Section 32-170, Repealing All Other Ordinances And Parts Of Ordinances In Conflict Therewith; And Providing A Savings Clause.

Documents:

[NEW PUBLIC HEARING COUNCIL COVERSHEET.PDF](#)

4. Public Hearing On An Ordinance Amending Chapter 44 Vegetation, Article II Landscaping, Division 1 Generally & Division 3 Generally Requirements And Standards; And Providing A Savings Clause And Repealing Conflicting Ordinances And Resolutions.

Documents:

[NEW PUBLIC HEARING COUNCIL COVERSHEET.PDF](#)

VI. PUBLIC COMMENT

The "PUBLIC COMMENT" item posted on the agenda is reserved for members of the public who would like to address the City Council regarding posted agenda items or non-agenda items. Individuals requesting to speak or address the City Council during the meeting shall do so under the "PUBLIC COMMENT" agenda item. Speakers shall be required to fill out a "PUBLIC COMMENT FORM" and present it, along with any material, handouts, or information for Council, to the City Secretary prior to commencement of the Council meeting. **As of May 1, 2022, all such public comments will be done IN PERSON. You may email public comments and they will be distributed to each of the Council Members but not read out loud.**

Speaker comments are limited to three (3) minutes. No formal action can be taken by the City Council on items not posted on the agenda. Items requiring a PUBLIC HEARING will allow a member of the public an opportunity to speak during the Public Hearing and does not require a "PUBLIC COMMENT FORM".

Speakers must address their comments to the Mayor or Presiding Officer rather than to an individual Council Member or Staff Member. All speakers must limit their comments to the specific subject matter noted on the "PUBLIC COMMENT FORM" and refrain from any personal attacks or derogatory comments directed at any Council Member, Staff Member, other individual, or group.

VII. CITY MANAGERS REPORT

1. 2021 Certificates Of Obligation-Capital Investment Program Project Update

Documents:

[EXSUMMARY - REPORT 2021 COS.PDF](#)

2. Review And Discussion Of A Staff Proposal To Consider The Inclusion Of Green Building And/Or LEED-Certification Principles In The Construction Of The New

City Of Elgin Police Station

Documents:

[EXSUMMARY - LEED DISCUSSION.PDF](#)
[ELGIN PD_LEED ASSESSMENT_EXHBIT A.PDF](#)

3. General Activity Report And/Or Project Update

Documents:

[EXSUMMARY - GENERAL ACTIVITY REPORT.PDF](#)

VIII. CONSENT AGENDA

The Consent Agenda includes non-controversial and routine items that are considered to be self-explanatory by the City Council and will be enacted with one motion, one second, and one vote. Any member of the City Council may pull any item from the Consent Agenda in order that the City Council discuss and act upon it individually as a part of the Regular Agenda.

1. City Council Regular Meeting Minutes October 25, 2022

Documents:

[EX SUMMARY- OCTOBER 25, 2022 REGULAR MEETING MINUTES.PDF](#)
[10-25-2022 CITY COUNCIL REGULAR MEETING MINUTES.PDF](#)

2. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH KOMPAN FOR TRAIN PLAY SCULPTURE AND PLAY EQUIPMENT; AND MAKING CERTAIN FINDINGS RELATED THERETO

Documents:

[EXSUMMARYKOMPANPLAYSTRUCTURE.PDF](#)
[RESAUTHKOMPANVETERANSPARK.PDF](#)
[VETERANSPARKMAPTRAINPLAYEQUIPMENT.PDF](#)

3. A RESOLUTION AUTHORIZING THE CLOSURE OF AVENUE B TO VEHICULAR TRAFFIC FROM DEPOT STREET TO CENTRAL AVENUE.

Documents:

[EXSUMMARYAVENUEBCLOSE.PDF](#)
[RESAUTHCLOSUREAVEBDEPOTCENTRAL.PDF](#)

4. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE CITY MANAGER TO APPROVE PROFESSIONAL SERVICES FEES WITH FGM ARCHITECTS INC. RELATED TO THE ELGIN POLICE DEPARTMENT STATION PROJECT; AND MAKING CERTAIN FINDINGS RELATED THERETO.

Documents:

[EXSUMMARY - AUTH EPD FGMA.PDF](#)
[RES-EPD PROJECT.PDF](#)

5. A RESOLUTION AUTHORIZING NEW UTILITY SYSTEMS MANAGER POSITION RESULTING FROM A REORGANIZATION OF UTILITIES DIVISION WITHIN THE

PUBLIC WORKS DEPARTMENT

Documents:

[EXSUMMARY - AUTH UTILITY MANAGER POSITION.PDF](#)
[RESAUTH PW ORG FY 2023.PDF](#)
[PWORGCHARTFY2023.PDF](#)

IX. NEW BUSINESS

- 1. AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ELGIN, TEXAS ADOPTED IN CHAPTER 46, SECTION 46-3, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, 2013 AND MAKING THIS AMENDMENT A PART OF SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE AS PDD PLANNED DEVELOPMENT DISTRICT THE PROPERTY CONTAINING 49.93 ACRES, SITUATED IN THE WILLIAM HINES SURVEY, AB. NO. 53, LOCATED IN TRAVIS CO., TX; SUBJECT TRACT BEING DESCRIBED IN DEED TO DIANN TENNEY SMITH AS RECORDED UNDER DOCUMENT NO. 2020197159, OFFICIAL PUBLIC RECORDS OF TRAVIS CO., TX BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.**

Documents:

[NEW COUNCIL COVERSHEET.PDF](#)
[NORTHSIDE MEADOWS PDD REZONING COMBINED PACKET.PDF](#)

- 2. AN ORDINANCE ANNEXING ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF ELGIN, TEXAS, TO WIT: BEING A 10.00 ACRES OF LAND TRACT OR PARCEL OF LAND, SITUATED OUT OF THE WILLIAM HENRY MARTIN SURVEY NO. 53, IN TRAVIS COUNTY, TEXAS, INCLUDING ADJACENT RIGHT-OF-WAY, AND BEING FULLY DESCRIBED IN EXHIBIT "A", ATTACHED HERETO; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.**

Documents:

[NEW COUNCIL COVERSHEET.PDF](#)
[ANNEXATION ORDINANCE AND EXHIBIT A.PDF](#)

- 3. AN ORDINANCE ASSIGNING NEWLY ANNEXED PROPERTY TO CITY COUNCIL WARD AREA NO. 2; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.**

Documents:

[NEW COUNCIL COVERSHEET.PDF](#)
[WARD ASSIGNMENT ORDINANCE AND EXHIBIT A.PDF](#)

- 4. AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ELGIN, TEXAS ADOPTED IN CHAPTER 46, SECTION 46-3, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, 2013 AND MAKING THIS AMENDMENT A PART OF SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE FROM "R-2" SINGLE FAMILY AND GARAGE APARTMENT DISTRICT TO "C-2" GENERAL COMMERCIAL DISTRICT LOCATED ON A PARCEL OF LAND KNOWN BY THE BASTROP COUNTY APPRAISAL DISTRICT AS PARCEL 12934 (SMITH, J.S., LOT 86, ACRES 0.602) BEING DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND**

PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

Documents:

[NEW COUNCIL COVERSHEET.PDF](#)
[518 S AVE. D. REZONING COMBINED PACKET.PDF](#)

5. **AN ORDINANCE AMENDING CHAPTER 32 SIGNS, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS AND MODIFYING SECTION 32-3, SECTION 32-57, SECTION 32-103, SECTION 32-127, SECTION 32-164, SECTION 32-167, SECTIONS 32-193, SECTION 32-194, SECTIONS 32-215 THRU 32-221, SECTION 32-225, SECTION 32-267, SECTION 32-298, SECTIONS 32-319 THRU 32-320, SECTION 32-322, SECTION 32-325, & SECTION 32-331 & ADDITION IN ITS ENTIRETY OF SECTION 32-170. REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR A SAVINGS CLAUSE.**

Documents:

[NEW COUNCIL COVERSHEET.PDF](#)
[ORDINANCE INVOLVING CODE CHANGES WITH SEPERATE EXHIBIT..PDF](#)
[STAFF REPORT.PDF](#)

6. **AN ORDINANCE AMENDING CHAPTER 44 VEGETATION, ARTICLE II LANDSCAPING, DIVISION 1 GENERALLY & DIVISION 3 GENERALLY REQUIREMENTS AND STANDARDS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.**

Documents:

[NEW COUNCIL COVERSHEET.PDF](#)
[VEGETATION ORDINANCE.PDF](#)
[STAFF REPORT.PDF](#)

7. **AN ORDINANCE TO UPDATE THE COMPREHENSIVE SCHEDULE OF FEES AND CHARGES NECESSARY TO GENERATE FUNDING FOR GENERAL AND SPECIFIC OPERATIONS REQUIRED TO SATISFY SERVICE NEEDS OF THE CITY; TO AMEND ORDINANCE 2020-10-13-29 AND SUBSEQUENT AMENDMENTS TO THAT ORDINANCE; ESTABLISH NEW CATEGORIES OF FEES AND CHARGES; REVISE EXISTING RATES; RECONFIRM EXISTING RATES; PROVIDE FOR A SAVINGS CLAUSE; REPEAL CONFLICTING ORDINANCES OR RESOLUTIONS; AND PROVIDE THAT THIS ORDINANCE SHALL BECOME EFFECTIVE AS STATED HEREIN**

Documents:

[EX SUMMARY SCHEDULE OF FEES.PDF](#)
[ORD SCHEDULE OF FEES.PDF](#)

X. EXECUTIVE SESSION

The City Council may announce that it will adjourn the public meeting at any time during the meeting and convene in Executive Session pursuant to Chapter 551 of the Texas Government Code to discuss any matter as specifically listed on the agenda and/or as permitted by Chapter 551 of the Texas Government Code.

1. **Adjourn Into Executive Session Pursuant To Section §551.072 Deliberations About Real Property: To Receive A Staff Briefing And Deliberate The Purchase, Exchange, Lease, Or Value Of Certain Real Property Located At 228 Littig Road**

Documents:

[EXSUMMARY - EXECUTIVE SESSION6.PDF](#)

XI. RECONVENE

The City Council will return to open session for possible discussion and action as a result of the Executive Session

XII. ANNOUNCEMENTS

XIII. ADJOURMENT

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

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

Notice of Assistance at Public Meetings, the City of Elgin is committed to compliance with the Americans with Disabilities Act. Elgin City Hall and Council Chambers are wheelchair accessible and special marked parking is available. Persons with Disabilities who plan to attend this meeting and who may need assistance are requested to contact the City Secretary's Office at (512)229-3222. Please provide forty-eight hours notice when feasible.

I, Jennifer Stubbs, City Secretary for the City of Elgin, hereby certify this notice was posted at the City Hall Annex of the City of Elgin, Texas on or before Thursday, November 10, 2022, in accordance with Chapter 551 of the Texas Government Code.



Jennifer Stubbs, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Public Hearing on an Ordinance Annexing Adjacent and Contiguous Territory to the City of Elgin, Texas to Wit: Being a 10.00 Acres of Land Tract or Parcel of Land, situated out of the William Henry Martin Survey, No. 53, in Travis County, Texas (Travis Co. Appraisal District #248221), Including Adjacent Right-of-Way, and Being Fully Described in Exhibit A Attached Hereto; Providing for a Savings Clause and Repealing Conflicting Ordinances and Resolutions.

DEPARTMENT: Development Services.

PROPOSED ACTION: No Council Action Proposed or Requested at This Time; This Item is to Allow for Public Comments on the Requested Proposed Annexation.

BACKGROUND: State Law Requires an Annexation to Have at Least One (1) Public Hearing. This Annexation is Not Part of any Annexation Development Agreements.

BUDGET/FINANCIAL IMPACT:

Funding for this item was ☐ included ☐ not included in the current-year budget ☒ N/A

Finance Approval:

Signature: _____ Date: _____

RECOMMENDATION: None.

ATTACHMENTS: None.

☐ Staff will be making a detailed presentation on this agenda item at the meeting.

☒ Staff will provide brief comments and answer questions on this item at the meeting.

☐ This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Public hearing on an Ordinance amending the Official Zoning Map of the City of Elgin, Texas adopted in Chapter 46, Section 46-3, Revised Code of Ordinances, City of Elgin, Texas, 2013 and making this amendment a part of said official zoning map, to wit: to rezone from R-2 Single Family and Garage Apartment District to C-2 General Commercial District, located on a parcel of land known by the Bastrop Co. Appraisal District as parcel 12934 (SMITH, J.S., LOT 86, ACRES 0.602) being described in Exhibit "A", attached hereto and providing a savings clause and repealing conflicting ordinances and resolutions.

DEPARTMENT: Development Services.

PROPOSED ACTION: No Council action proposed or requested at this time; this item is to allow for public comments on the proposed ordinance in accordance with State law (518 S. Ave D Rezoning from R-2 to C-2).

BACKGROUND: The Planning & Zoning Commission held a meeting on October 24, 2022. At that meeting the Commission recommended approval of the item.

BUDGET/FINANCIAL IMPACT:

Funding for this item was ☐ included ☐ not included in the current-year budget ☒ N/A

Finance Approval:

Signature: _____ Date: _____

RECOMMENDATION: None.

ATTACHMENTS: None.

☐ Staff will be making a detailed presentation on this agenda item at the meeting.

☒ Staff will provide brief comments and answer questions on this item at the meeting.

☐ This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Public hearing on an Ordinance amending Chapter 32, Signs, Revise Code of Ordinances, City of Elgin, Texas and modifying Section 32-3, Section 32-57, Section 32-103, Section 32-127, Section 32-164, Section 32-167, Section 32-193, Section 32-194, Sections 32-215 thru 32-221, Section 32-225, Section 32-267, Section 32-298, Sections 32-319 thru 32-320, Section 32-322, Section 32-325, & Section 32-331 & addition in its entirety of Section 32-170, repealing all other ordinances and parts of ordinances in conflict therewith; and providing a savings clause.

DEPARTMENT: Development Services.

PROPOSED ACTION: No Council action proposed or requested at this time; this item is to allow for public comments on the proposed Ordinance in accordance with State law.

BACKGROUND: None.

BUDGET/FINANCIAL IMPACT:

Funding for this item was {} included {} not included in the current-year budget {X} N/A

Finance Approval:

Signature: _____ **Date:** _____

RECOMMENDATION: None.

ATTACHMENTS: None.

{} Staff will be making a detailed presentation on this agenda item at the meeting.

{X} Staff will provide brief comments and answer questions on this item at the meeting.

{} This is a routine procedural item, and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Public hearing on an Ordinance amending Chapter 44 Vegetation, Article II Landscaping, Division 1 Generally & Division 3 Generally Requirements and Standards; and providing a savings clause and repealing conflicting ordinances and resolutions.

DEPARTMENT: Development Services.

PROPOSED ACTION: No Council action proposed or requested at this time; this item is to allow for public comments on the proposed Ordinance in accordance with State law.

BACKGROUND: None.

BUDGET/FINANCIAL IMPACT:

Funding for this item was {} included {} not included in the current-year budget {X} N/A

Finance Approval:

Signature: _____ Date: _____

RECOMMENDATION: None.

ATTACHMENTS: None.

{} Staff will be making a detailed presentation on this agenda item at the meeting.

{X} Staff will provide brief comments and answer questions on this item at the meeting.

{} This is a routine procedural item, and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: 2021 Certificates of Obligation-Capital Investment Program Project Update

DEPARTMENT: City Manager

PROPOSED ACTION:

No Council action proposed or requested; This item is for a brief update and discussion with the City Council as warranted relative to the 2021 Certificates of Obligation - Capital Investment Program.

BACKGROUND:

The 2021 Certificates of Obligation - Capital Investment Program is designed to fund a wide range of capital improvement projects in support of general government – including the Wastewater Treatment Plant Expansion, County Line Road Phase 1 Project, and a new Elgin Police Department Station.

Certificates of Obligation (COs) and debt issuance in general are a necessary component to funding major capital improvement projects for cities where such funds are not available through the annual operating budget. It is also of particular need in rapidly growing cities like Elgin, where demands for improved services and facilities exceed currently available resources.

BUDGET/FINANCIAL IMPACT:

Funding for this item was { } included { } not included in the current-year budget {X} N/A

RECOMMENDATION:

Review and discussion of the 2021 Certificates of Obligation - Capital Investment Program; and direction to staff, if any, regarding same.

ATTACHMENTS:

None

{ } Staff will be making a detailed presentation on this agenda item at the meeting.

{X} Staff will provide brief comments and answer questions on this item at the meeting.

{ } This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Review and discussion of a staff proposal to consider the inclusion of Green Building and/or LEED-Certification principles in the construction of the new City of Elgin Police Station

DEPARTMENT: City Manager

PROPOSED ACTION:

Review and discussion regarding the implementation of Green Building and/or LEED-Certification principles in the construction of the new City of Elgin Police Station

BACKGROUND:

As part of the 2021A Certificates of Obligation, the City issued debt in the principal amount of \$12.5M to provide funding for capital improvement projects, including the new City of Elgin Police Station.

As the City moves forward with final design and the commencement of construction, staff would like to review the possibility and/or desire to construct a “green” or LEED-Certified building.

Green building is an effort to amplify the positive and mitigate the negative effects that the built environment can have, both positive and negative, on the natural environment. Green building provides a framework to incorporate the three pillars of sustainability (people, planet and prosperity).

LEED (Leadership in Energy and Environmental Design) is the most widely used green building rating system in the world. Available for virtually all building types, LEED provides a framework for healthy, efficient, and cost-saving green buildings. LEED certification is a globally recognized symbol of sustainability achievement and leadership.

The LEED framework informs all building types including new construction, interiors, operations and maintenance, and core and shell. Millions of people are living, working and learning in LEED-certified buildings around the world.

BUDGET/FINANCIAL IMPACT:

Funding for this item was { } included { } not included in the current-year budget {X} N/A

RECOMMENDATION:

Discussion regarding the implementation of Green Building and/or LEED-Certification principles in the construction of the new City of Elgin Police Station; and direction to staff, if any, regarding same.

ATTACHMENTS: None

{X} Staff will be making a detailed presentation on this agenda item at the meeting.

{ } Staff will provide brief comments and answer questions on this item at the meeting.

{ } This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.



PROJECT MEMO

Date: October 21, 2022

Recipient: Tom Mattis

CC: FGMA file

Project Name: Elgin, TX Police Station

Project Number: 22-3415.01

PRELIMINARY LEED ASSESSMENT

Please see attached scorecard for 1 page summary of LEED prerequisites and credits. The purpose of this assessment is to demonstrate feasibility of LEED Silver and associated approximate costs of voluntary credits. Further exploration of prerequisites and credits will need to occur if the project scope is expanded to include LEED certification. Notes below suggest a best guess of a pragmatic path to Silver. It should be noted that a 5 to 6 point buffer is recommended above the minimum points required for a given threshold of certification. For example, if Silver status is desired, the minimum number of points on a scorecard should be between 55 to 56 points. The suggested rating system for this project is LEED for New Construction, version 4 with select v4.1 upgrades.

Points	Prerequisite / Credit	Notes	Construction Costs
1	Integrative Process	Document design analysis and collaborative process with a narrative.	None
Location & Transportation			
NO	LEED for Neighborhood Development	Not feasible; project site must be located in LEED-ND certified zone.	n/a
1	Sensitive Land Protection	Site is considered previously developed. Easy point.	None
Maybe 1	High Priority Site	Credit requirements need to be verified; dependent on census data. Not likely but will verify.	None
2	Surrounding Density & Diverse Uses	Downtown location within proximity of multiple services in walking distance will secure points.	None

Maybe 1 to 5	Access to Transit	Not likely but will need to verify availability and frequency of public transit.	None
Maybe 1	Bicycle Facilities	Requires bike racks and shower(s). This is a recommended credit for Silver.	\$
Maybe 1	Reduced Parking	Will have to verify parking counts vs. referenced standard.	None.
Maybe 1	Green Vehicles	Preferred parking for low emission vehicles (Prius, etc.) required along with electric car chargers. Alternate path to eliminate low emission vehicle parking and increase number of electric chargers. Quantity of spaces will be based on occupant counts, per LEED calculations. May be incentives available for electric car chargers. This is a recommended credit for Silver.	\$
Sustainable Sites			
Req'd	Construction Activity Pollution Prevention	Prerequisite; requires implementation of erosion control plan on-site during construction. Best practice.	None
1	Site Assessment	Document design analysis and collaborative process with a narrative.	None
Maybe 1 to 2	Site Development: Protect or Restore Habitat	Requires a certain percentage of land to be set aside as native and pollinator gardens. May be feasible with adjacent park areas downtown. Will have to investigate further.	\$
Maybe 1	Open Space	Synergy with Site Development credit. Requires garden and/ or recreation areas, of which a percentage should be natives. The site is tight, but roof gardens are one possible option. Green roofs have synergy with the heat island credit. Multiple options to evaluate.	\$ \$
Maybe 1 to 3	Rainwater Management	Synergy with native garden areas required for restore habitat and open space credits. Synergy with green roof. Many options exist to collect and control rainwater on-site, that can range in cost. Multiple options to evaluate.	\$ \$

Maybe 2	Heat Island Reduction	Green roof or white membrane along with light colored paving, such as concrete.	\$ to \$ \$
1	Light Pollution Reduction	Specify full cutoff exterior light fixtures. No brainer.	None
Water Efficiency			
Req'd	Outdoor Water Use	Prerequisite requires reduction in irrigation by 30% below EPA standards. This can be handled by either not irrigating or using lower flow methods if irrigation will be provided.	None
1 Maybe 1		The credit allows the team to build on their prerequisite strategy and further reduce water used for irrigation by 50% (1 point) or totally eliminate irrigation (2 points) . 50% is do-able with limited modifications to irrigation system.	None to \$
Req'd	Indoor Water Use	Prerequisite requires flush and flow rates for indoor plumbing fixtures to reduce water consumption 20% below code.	None
3 Maybe 4 to 6		3 points are attainable by specifying lower flow fixtures with minimal effort and no additional cost. Additional points could be pursued, depending on the comfort level with restricting water further for toilets, urinals, lavatory and kitchen faucets. Maybe minimal cost to size-up waste lines, depending on flow rates.	None to \$
Req'd	Building Level Water Metering	Requires Owner to sign a letter confirming water consumption will be tracked for 5 years in Energy Star Portfolio Manager or similar.	None
1	Water Metering	Provide sub-meters for 2 out of 3 water end uses: domestic hot water, process water and irrigation. Easy and low-cost credit.	\$

Energy and Atmosphere			
Req'd	Fundamental Commissioning	Prerequisite for basic commissioning services.	\$ to \$ \$
Maybe 2 to 6	Enhanced Commissioning	This credit builds on the prerequisite and is a recommended path to securing 5 to 6 points while also earning a quick payback on this cost. Points allowed for commissioning the building envelope in addition to the MEP systems; pursuing these points is good practice.	\$ to \$ \$
Req'd	Minimum Energy Performance	Prerequisite requires baseline energy modeling and 20% improvement beyond code for building energy consumption.	None to \$
Maybe 1 to 18	Optimize Energy Performance	This credit builds on the prerequisite and points are offered for incremental improvements beyond the prerequisite. Improvements to the building and systems secure additional points. For example, greater insulation values, highly efficient mechanical systems, etc. Cost of credit is dependent on strategies implemented. Usually at least a few points are achieved under this credit.	\$ to \$ \$ \$
Req'd	Building Level Energy Metering	Required for Owner to sign a letter confirming energy consumption will be tracked for 5 years in Energy Star Portfolio Manager or similar.	None
1	Advanced Metering	Install sub-meters for any energy end uses consuming more than 10% of total annual energy per the energy model projections. Easy and lower cost credit.	\$
NO	Demand Response	Credit not likely based on building use. Requires allowing utility provider to dial back energy at peak hours.	n/a
Maybe 3	Renewable Energy Production	This credit should only be evaluated after robust design process has driven down total energy consumption severely. Solar and wind are two common strategies.	\$ \$ \$
Req'd	Fundamental Refrigerant	Prerequisite requires no CFCs in mechanical equipment. No issue as equipment is no longer made with CFCs anymore.	None
1	Enhanced Refrigerant	This credit is dependent on calculations for the global warming potential of specified mechanical equipment. There should be no to minimal cost to specify compliant equipment.	None to \$

Maybe 1 to 2	Green Power & Carbon Offsets	This credit is simply purchasing off-site RECs. It does not offset building energy or utility bills. It is recommended these points are only pursued if necessary to hit a certification threshold. For example, if Silver is desired and only 48 points are achieved, then we might recommend the purchase of these 1 to 2 points to get to Silver. These 2 points usually hang out in the maybe column for the duration of the project. They serve as a good backup plan.	\$ to \$ \$
Materials and Resources			
Req'd	Storage and Collection of Recyclables	Prerequisite requires on-site recycling bins for typical items: paper, cardboard, glass, plastics, and metals. E-waste and batteries as well. Generally common practice.	None (O&M: Bins and Collection)
Req'd	Construction Waste Planning	Prerequisite requires construction team to have a written plan for diverting construction waste from the landfill.	None
2	Construction Waste Management	This credit builds on the prerequisite and rewards team for implementing the written plan. One point can be achieved for diverting 50% of waste and 3 materials streams and two points can be achieved for diverting 75% of waste and 4 material streams.	\$ to \$ \$
Maybe 1 to 5	Building Life Cycle Impact Reduction	Very robust evaluation and calculations required, 5 points most likely a long shot. Will have to evaluate further in design.	Difficult to quantify-aggregate of material selections.
1	BPDO: Environmental Product Declarations	Should be no issue securing 20+ EPDs for various products specified for construction. The second point is not likely; I have not had a project meet the credit criteria as of yet.	None
Maybe 2	BPDO: Sourcing of Raw Materials	One point for 15% of aggregate material cost of recycled, FSC, rapidly renewable, etc. Steel can make a significant contribution to this credit. The second point is for 30% and can be more difficult to achieve.	None to \$
1	BPDO: Material Ingredients	No issues securing 20+ HPDs (Health Product Declarations) for various products specified for construction. The second point is not likely; I have not had a project meet the credit criteria as of yet.	None

Indoor Environmental Quality			
Req'd	Minimum Indoor Air Quality Performance	Prerequisite; required to meet ASHRAE 62.1 for ventilation rates. Should be no issue, best practice.	None
Req'd	Environmental Tobacco Smoke Control	Prerequisite; required to prohibit smoking within 25' of entries, air intakes and operable windows.	None
1	Enhanced IAQ Strategies	One point achievable for integrating walls to deck or hard lid ceilings at janitor closets and similar spaces with chemical storage. Ten-foot-long walk off mats required at all entries. Easily accomplished on most projects. The second point requires thermodynamic modeling and is not likely feasible, or necessary for Silver.	None to \$
3	Low Emitting Materials	Specification of low VOC products required. This is becoming best practice. Documentation process can be very detailed, but these points are recommended due to feasibility and low capital cost.	None
1	Construction Indoor Air Quality Management Plan	Requires builder to write a plan and implement protocols on-site for indoor air quality measures. This is becoming best practice and requires minimal extra effort beyond a traditional non-LEED project. Minimal costs for HEPA filtration, replacement filters and similar.	None to \$
Maybe 2	Indoor Air Quality Assessment	Two options are allowed. The first is to "flush-out" the building of VOCs prior to occupancy for 1 point. The second is to hire a professional to conduct air testing for 2 points. Potential cost associated with running air handlers at full capacity for flush out and/ or for air testing agent's fees.	\$ to \$ \$
1	Thermal Comfort	Credit requires thermostats in all multioccupant spaces and thermostats or desk fans or similar at half of offices and desks. This credit generally pursued on projects as it is best practice and a good investment for occupant comfort.	\$ to \$ \$

1 Maybe 1	Interior Lighting	One yes point is fairly easy to achieve by providing dimmers for lighting at all multioccupant spaces and private offices. Additionally, any open plan workstations can have a task light. This is a fairly economical point to pursue and best practice. The second point is dependent on the types of LED lamps specified for the light fixtures meeting specific criteria. In my experience this point is sometimes achieved and sometimes not on projects. It also takes into consideration the reflectivity of the interior finishes and work surfaces (light and bright to bounce daylight through the space). This strategy will have to be discussed further.	\$
Maybe 1	Quality Views	This credit is dependent on running the calculations. We might be able to optimize views by tweaking window sizes and locations once we get further into the process. It should be a maybe until we can review the criteria in further detail. There could be some additional cost incurred to add glazing or make openings larger to optimize for credit thresholds. To be determined.	None to \$
Maybe 1	Acoustic Performance	This credit is not likely as it requires an acoustician to be involved. We can look at it and discuss further, but point is probably not needed to get to Silver. It requires additional sound transmission ratings for walls and ceilings in order to reduce noise transmission from space to space.	\$
Innovation			
1 to 5	Innovation	Typically, we pursue all 5 of these points. Strategies will have to be identified if project moves forward with LEED.	None to \$
1	LEED AP	Freebie for having a LEED AP on the project.	None

Please do not hesitate to reach out if you have any questions. We look forward to hearing how the city would like to proceed. Thank you!

Sincerely,

Lucy Williams, AIA & LEED AP BD+C
FGMA Sustainability Leader



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: General Activity Report and/or Project Update

DEPARTMENT: City Manager/Staff

PROPOSED ACTION:

No Council action proposed or requested; This item is to allow for general update and/or activities report relating to various on-going city projects or issues.

BACKGROUND:

This item is to provide opportunities for miscellaneous updates and comments by the staff; and general Q&A with the City Council relative to on-going projects and/or issues.

BUDGET/FINANCIAL IMPACT:

Funding for this item was { } included { } not included in the current-year budget {X}
N/A

RECOMMENDATION:

N/A

ATTACHMENTS:

None.

{ } Staff will be making a detailed presentation on this agenda item at the meeting.

{X} Staff will provide brief comments and answer questions on this item at the meeting.

{ } This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: City Council Regular Meeting Minutes-October 25, 2022

DEPARTMENT: Administration

PROPOSED ACTION: Approval of the City Council Regular Meeting Minutes-October 25, 2022

BACKGROUND: N/A

BUDGET/FINANCIAL IMPACT:

Funding for this item was {} included {} not included in the current-year budget {X} N/A

Finance Approval:

Signature: _____ Date: _____

RECOMMENDATION: Approval of the City Council Regular Meeting Minutes-October 25, 2022

ATTACHMENTS:

☐ Staff will be making a detailed presentation on this agenda item at the meeting.

☐ Staff will provide brief comments and answer questions on this item at the meeting.

☒ This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

MINUTES
ELGIN CITY COUNCIL REGULAR MEETING
ELGIN PUBLIC LIBRARY ANNEX CITY COUNCIL CHAMBERS
404 NORTH MAIN STREET
October 25, 2022

CALL TO ORDER

Mayor Pro Tem Brashar called the meeting to order at 6:30 p.m.

ROLL CALL

Present: Sue Brashar, Mayor Pro Tem
Joy Casnovsky, Council Member
Arthur Gibson III, Council Member
Chuck Swain, Council Member
Matthew Callahan, Council Member
Al Rodriguez, Council Member
Forest Dennis, Council Member

Absent: Theresa McShan, Mayor
Skyler Maldonado, Council Member

Mayor Pro Tem Brashar stated that there was a quorum. She stated that Mayor McShan is out due to an illness and Mr. Maldonado is out due to a funeral. Mr. Callahan made a motion to excuse Mayor McShan and Mr. Maldonado. Mr. Gibson seconded the motion. All voted in favor. The motion carried.

Staff: Thomas L. Mattis, City Manager
Jennifer Stubbs, City Secretary
Amy Miller, Community Development Director
Michael Gonzalez, Public Works Director
Chris Noble, Chief of Police
Pam Sanders, HR Director
David Harrell, Development Services Director
Owen Rock, ED Director

INVOCATION

Mr. Rodriguez provided the invocation.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Brashar led those in attendance in reciting the Pledge of Allegiance to the Flag of the United States of America and Pledge of Allegiance to the Texas Flag.

PUBLIC HEARING

1. Public Hearing On An Ordinance Amending The Official Zoning Map Of The City Of Elgin, Texas Adopted In Chapter 46, Section 46-3, Revised Code Of Ordinances, City Of Elgin, Texas, 2013 And Making This Amendment A Part Of Said Official Zoning Map, To Wit: To Rezone As PDD Planned Development District The Property Containing 49.93 Acres, Situated In The William Hines Survey, Ab. No. 53, Located In Travis Co., TX; Subject Tract Being Described In Deed To Diann Tenney Smith As Recorded Under Document No. 2020197159, Official Public Records Of Travis Co., TX Being More Particularly Described In Exhibit "A"; And Providing For A Savings Clause And Repealing Conflicting Ordinances And Resolutions.

Diane Dunigan, 17615 FM 1100, stated that she was here tonight representing Diane Tenney Smith. She stated that she was upset about a package in the mail she received Friday morning. She stated that 2.7 acres were attached to the 11 acres that make up her farm in unincorporated Travis County. Ms. Dunigan stated that she mentioned this to Mr. Harrell and his response was that it was an error. She stated that she wanted the response to be on public records and that someone did error and omit it.

PUBLIC COMMENT

Jeff Asmussen, 128 Forest Drive, stated that Highway 290 and 95 are the only methods of daily travel, and the timing of the traffic lights adjusted by TxDOT relies on citizens to complain. Mr. Asmussen stated that he would like safe left turns and for assistance from city leaders to weigh in with TxDOT.

PRESENTATION

1. A PROCLAMATION DECLARING NOVEMBER 1, 2022, AS DÍA DE LOS MUERTOS DAY IN THE CITY OF ELGIN

Mayor Pro Tem Brashar read the proclamation and presented it to members of the Día De Los Muertos Committee.

2. ADDENDUM ADD ITEM TO THE REGULAR MEETING

Mayor Pro Tem Brashar read the proclamation.

CITY MANAGERS REPORT

1. #ETX150 Sesquicentennial Update & Event Highlights

Ms. O'Brien encouraged those in attendance to make purchases before the online store closes at the end of the year. She provided information about Arbor Day and the Veterans Appreciation Day Parade.

2. General Activity Report And/Or Project Update

Mr. Mattis stated that the Hogeye Festival was a success this past weekend. He stated that there was a grant-funded beautification project on Highway 290 and Highway 95. Mr. Mattis stated that traffic lights in the city limits are operated by the Texas Department of Transportation. He stated there will be a Ward 1 meeting tomorrow evening and provided an update on the council meeting schedule for the remainder of the year.

CONSENT AGENDA

1. City Council Regular Meeting Minutes-October 11, 2022

The minutes passed on the consent agenda.

2. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE CITY COUNCIL TO APPROVE THE BASTROP COUNTY HAZARD MITIGATION ACTION PLAN -2022 UPDATE AND MAKING CERTAIN FINDINGS RELATED THERETO.

The resolution passed on the consent agenda.

3. CONSIDER WAIVING THE OPEN CONTAINER ORDINANCE ON MAIN STREET FROM LEXINGTON ROAD TO BRENHAM STREET; AND ON 2ND STREET, FIRST STREET, DEPOT STREET, CENTRAL AVENUE, AUSTIN STREET, BRENHAM STREET FROM MAIN STREET TO AVENUE C; AND ON AVENUE C FROM BRENHAM STREET TO 2ND STREET ON SATURDAY DECEMBER 3, 2022 FROM 11am To 10pm FOR TIME TO SHINE

The item passed on the consent agenda.

4. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, APPROVING THE 2022 TOTAL AD VALOREM TAX LEVY FOR THE CITY OF ELGIN; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

The resolution passed on the consent agenda.

5. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A LETTER OF ENGAGEMENT BETWEEN THE CITY OF ELGIN, TEXAS AND BROOK WATSON & COMPANY, CERTIFIED PUBLIC ACCOUNTANTS FOR FISCAL YEARS 2022-2026, WHICH IS ATTACHED HERETO AND INCORPORATED

HEREIN AS EXHIBIT A; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE LETTER OF ENGAGEMENT.

The resolution passed on the consent agenda.

Mr. Dennis made a comment about a typo on item 3. Mr. Dennis made a motion to approve the consent agenda as presented. Mr. Swain seconded the motion. All voted in favor. The motion carried.

NEW BUSINESS

1. Review And Discussion Of A Staff Proposal To Consider The Inclusion Of Green Building And/Or LEED-Certification Principles In The Construction Of The New City Of Elgin Police Station

Mr. Mattis provided information about utilizing additional American Rescue Act (ARPA) funds towards Silver Leed Certification for the new police station. He stated the increase in cost would be about 12%. Mayor Pro Tem Brashar recommended taking the additional funds to another needed area that does not have a building next to it that will never be LEED certified. Mr. Callahan mentioned it was noted that certification is not guaranteed, and it would be a crime to go through the process and then not achieve the certification. Mr. Mattis stated that it was a CYA for the architect and a part of the administrative process. Mr. Dennis stated that there would be a lot of administrative reports to keep track of after certification. Ms. Casnovsky asked if there were a list of projects to use the proceeds from the American Rescue Plan Act. Mr. Mattis stated that the list is the 5 Year Capital Improvement Plan. Discussion followed.

2. Discuss Learning Opportunities And Takeaways From The Texas Municipal League Conference Held On October 5-7

The item was tabled due to the Mayor not in attendance. Mr. Dennis recommended hosting a worksession for this item.

EXECUTIVE SESSION

The City Council may announce that it will adjourn the public meeting at any time during the meeting and convene in Executive Session pursuant to Chapter 551 of the Texas Government Code to discuss any matter as specifically listed on the agenda and/or as permitted by Chapter 551 of the Texas Government Code.

The Council did not retire into Executive Session.

ANNOUNCEMENTS

Mayor Pro Tem Brashar reminded the public about Día De Los Muertos and Safe Trick or Treating. Mr. Dennis asked if anyone from the city has had conversations about the status update for the sidewalk improvements for trick or treating. Mr. Mattis stated no but the city will. Mayor Pro Tem Brashar stated this Thursday, Elgin FFA is having a fundraiser at the Rising Sun

Vineyards. Chief Noble introduced Josh Moses, County Liaison Officer with the Texas Division of Emergency Management. Mr. Mattis mentioned some additional sidewalk improvements downtown and congratulated Mayor Pro Tem Brashar on baking a successful cake that raised some money for the community. Mayor Pro Tem Brashar stated that she appreciated city staff.

ADJOURNMENT

Mayor Pro Tem Brashar adjourned the meeting at 7:51 p.m.

Theresa Y. McShan, Mayor

ATTEST:

Jennifer Stubbs, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH KOMPAN FOR TRAIN PLAY SCULPTURE AND PLAY EQUIPMENT; AND MAKING CERTAIN FINDINGS RELATED THERETO.

DEPARTMENT: Community Services

PROPOSED ACTION: Consideration and possible action

BACKGROUND: City staff and boards worked with Studio 1619 to refine the Veterans Memorial Park expansion plans. The plans are provided tonight to share an update and to approve the purchase of the train play sculpture and play equipment for the 200 block of Depot Street. This item has a 32 week lead time for production. The train is made of robinia wood which stays cool to the touch even in Texas summer temperatures and withstands the long term effects of weather and moisture on the wood as well as frost and cold. Kompan participates in the Buy Board system and is a sole source provider for this type of play sculpture. The Parks & Recreation Advisory Board and Historic Review Board considered this update at their September meetings and recommend approval. The Main Street Board will share the plans at the National Night Out Party on Patio at the Chamber of Commerce Tuesday October 4 and will hold a meeting that same evening to make a recommendation about the train play sculpture. The Kompan equipment cost estimate is \$400,000.

BUDGET/FINANCIAL IMPACT:

Funding for this item was { X } included { } not included in the current-year budget { } N/A

RECOMMENDATION: Consideration and possible action to authorize City Manager to execute agreement with Kompan.

ATTACHMENTS:

Veterans Memorial Park Expansion map
Kompan play structure information

{X } Staff will be making a detailed presentation on this agenda item at the meeting.

{ } Staff will provide brief comments and answer questions on this item at the meeting.

{ } This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF ELGIN, TEXAS,
AUTHORIZING THE CITY MANAGER TO EXECUTE
AN AGREEMENT WITH KOMPAN FOR TRAIN PLAY
SCULPTURE AND PLAY EQUIPMENT; AND MAKING
CERTAIN FINDINGS RELATED THERETO.**

WHEREAS, the City Council approved plans for Veterans Memorial Park Expansion;
and

WHEREAS, the City Council retained Studio 1619 to complete design and construction
plans for Veterans Memorial Park Expansion and;

WHEREAS, funding is available through Certificates of Obligation Series 2021A for
Veterans Memorial Park Expansion; and,

WHEREAS, the Kompan is a sole source vendor for the train play sculpture and
associated play equipment.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
ELGIN, BASTROP AND TRAVIS COUNTY, TEXAS THAT:**

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

Section 2. Authorization. The City Manager is hereby authorized to execute an agreement with
Kompan in the amount of \$400,000.00 for the Kompan train play sculpture and equipment.

Section 3. Funding. The City Council does also hereby expressly approve the utilization of
funding from Certificates of Obligation Series 2021A in support of the project that is the subject
matter of this Resolution; and does further acknowledge that an amendment to the *FY22-23 City of
Elgin Annual Operating Budget* may be required at a future date to formally appropriate funds for
this item.

Section 4. Open Meetings. The City Council hereby finds and declares that written notice of the
date, hour, place, and subject of the meeting at which this Resolution was adopted was posted
and that such meeting was open to the public as required by law at all times during which this
Resolution and the subject matter hereof were discussed, considered, and formally acted upon,
all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Section 5. This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 15th day of November, 2022

THERESA Y. MCSHAN, Mayor
City of Elgin, Texas

ATTEST:

JENNIFER STUBBS, City Secretary

KEY LEGEND

- | | | | |
|-------------------------|----------------------------|---------------------------------------|--|
| ① Dog Park (22,620 sf) | ⑧ Upgraded Crosswalk | ⑮ Kompan Playground (23,300 sf) | ⑳ Flexible Parking |
| ② Turf Mounds | ⑨ On-Street Angled Parking | ⑯ Dry Creek Bed | ㉑ Pump Track (64,725 sf Skate Park Area) |
| ③ Shade Structure | ⑩ Sound Stage Area | ⑰ Safety Fencing at Railroad Easement | ㉒ Skate Park Bowl |
| ④ Shaded Picnic Area | ⑪ Seat Wall | ⑱ Pedestrian Gate | ㉓ Skate Park Plaza |
| ⑤ "Steam" Water Feature | ⑫ Open Event Lawn | ㉒ Carts Station | ㉔ City Gateway Entrance |
| ⑥ Entrance Plaza | ⑬ Outdoor Classroom/Stage | ㉑ Street Level Railroad Crossing | |
| ⑦ Flexible Turf Areas | ⑭ 10' Concrete Sidewalk | ㉒ Multi-Use Pavilion (18,000 sf) | |
- Block A (Phase 1) Limits



SCALE: 1"=30'

Disclaimer:
This document represents design progress and its provision, either electronic or hard copy, is to communicate design intent only. Original and published work may not be duplicated, used, or disclosed without the written consent of Studio 16:19.

Revised Concept Plan

Elgin
TEXAS
perfectly situated.

City of Elgin

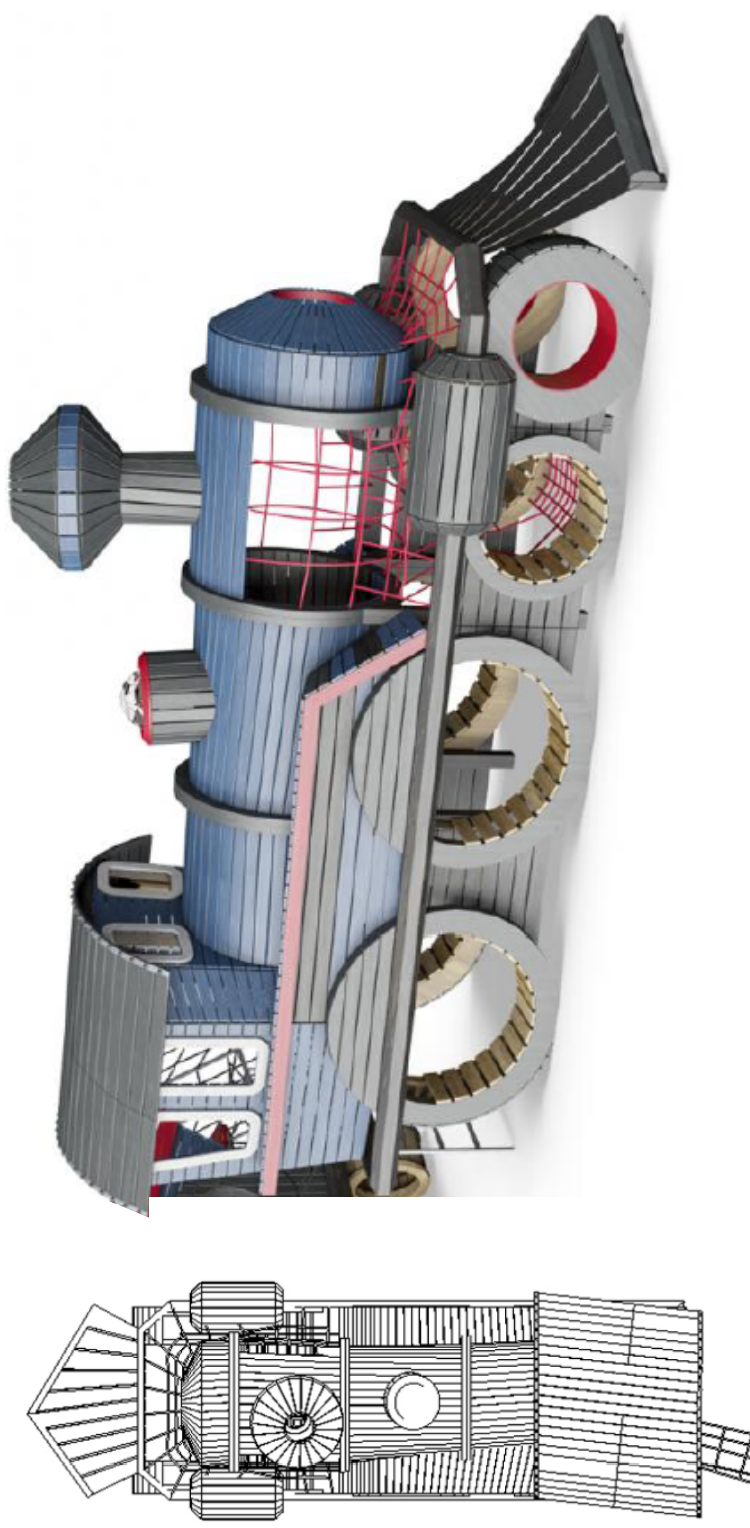
City of Elgin Veterans Memorial Park

September 2022

studio 16:19
design • collaborate • solve • impact

KRS-CONCEPT-TRAIN Train Play Sculpture

KOMPAN®
Let's play

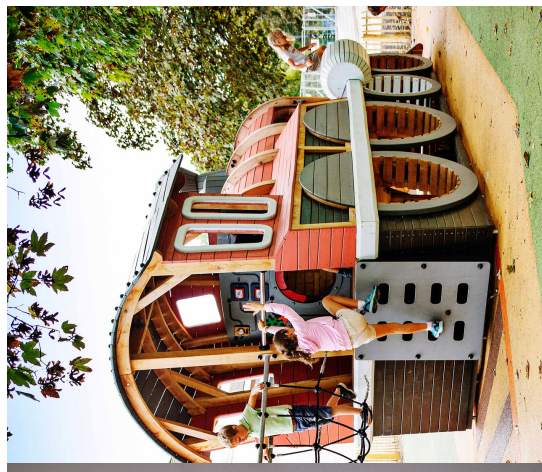
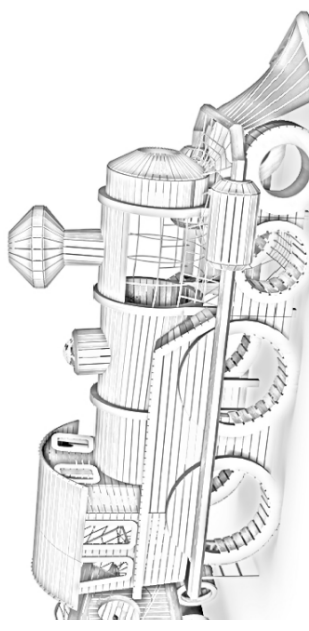


A play sculpture concept from KOMPAN Design Studio will incorporate the design, size and play activities to fit your needs.

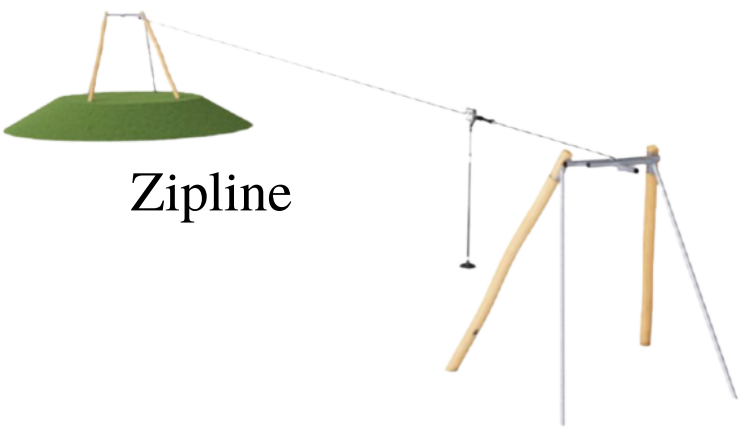
The Train and Wagon present a fun and challenging play experience for big and small children from the age of five. In the train cab, a large dashboard motivates dramatic play and trains logical thinking. The Kettle presents as a circular space to climb through and a three-dimensional net allows for accessing the space under the train. The Wagon (In addition to inspiring use of language in imaginative dramatic play) stimulates physical play, through climbing and sliding. All the inside and outside meeting points support social interaction.

Product LineNature Play

Category Robinia Play Sculptures



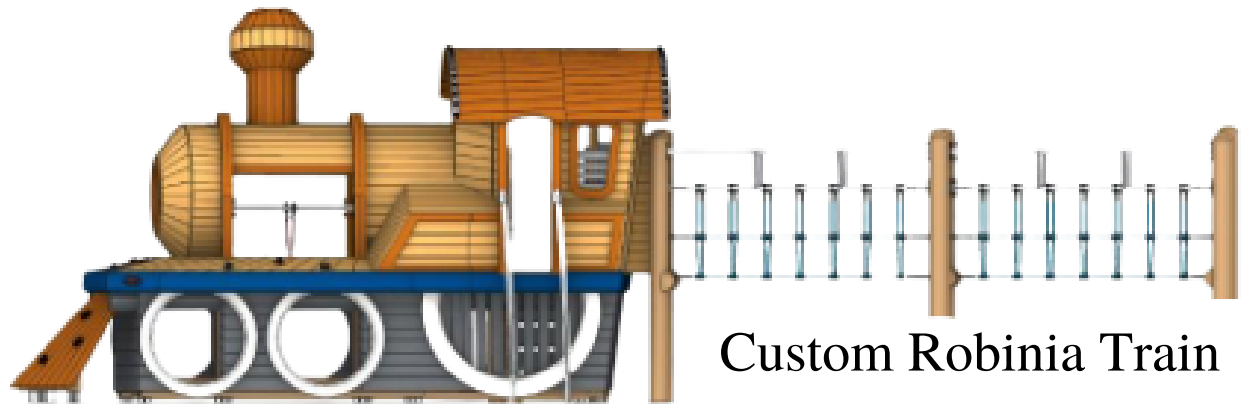
Train Playground Equipment Breakdown	Amount	Notes
Custom Robinia Train	\$225,000	Robinia Wood - KOMPAN
Universal Carousel	\$14,000	Metal and Plastic Accessible Merry-Go-Round
Double Swing Combination	\$9,000	Robinia Wood - KOMPAN
Zipline	\$12,000	Robinia Wood - KOMPAN
Seesaw	\$2,000	Robinia Wood - KOMPAN
Wobble Bridge	\$6,000	Robinia Wood - KOMPAN
Balance Posts	\$2,000	Robinia Wood - KOMPAN
Parkour Balance Beam	\$25,000	Robinia Wood - KOMPAN
Train Installation	\$45,000	Robinia Wood - KOMPAN
Additional Equipment Installation	\$20,000	
Freight	\$20,000	
Contingency	\$20,000	
TOTAL:	\$400,000	



Zipline



Seesaw



Custom Robinia Train



Wobble Bridge



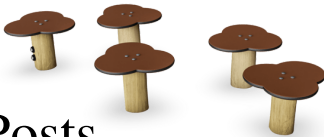
Universal Carousel



Double Swing Combination



Parkour Balance Beam



Balance Posts



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: RESOLUTION AUTHORIZING THE CLOSURE OF AVENUE B TO VEHICULAR TRAFFIC FROM DEPOT STREET TO CENTRAL AVENUE.

DEPARTMENT: Community Services

PROPOSED ACTION: Discussion and Possible Action.

BACKGROUND: The block of Avenue B from Depot Street to Central Avenue will be closed to vehicular traffic and the right of way will be integrated into the Veterans Memorial Park Expansion. Primary traffic patterns utilize Avenue C and Avenue A for north south egress. The existing sidewalk and pedestrian crossing will remain in place and will have pedestrian crossing gates and fencing along the Capital Metro Railroad right of way.

BUDGET/FINANCIAL IMPACT:

Funding for this item was { } included { } not included in the current-year budget { } N/A

RECOMMENDATION:

ATTACHMENTS:

- {X } Staff will be making a detailed presentation on this agenda item at the meeting.
- { } Staff will provide brief comments and answer questions on this item at the meeting.
- { } This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF ELGIN, TEXAS,
AUTHORIZING THE CLOSURE OF AVENUE B FROM
DEPOT STREET TO CENTRAL AVENUE; AND
MAKING CERTAIN FINDINGS RELATED THERETO.**

WHEREAS, the City Council approved plans for Veterans Memorial Park Expansion;
and

WHEREAS, the City Council retained Studio 1619 to complete design and construction
plans for Veterans Memorial Park Expansion and;

WHEREAS, Avenue B from Depot Street to Central Avenue needs to be closed to
vehicular traffic for the park expansion;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
ELGIN, BASTROP AND TRAVIS COUNTY, TEXAS THAT:**

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

Section 2. Authorization. The City Manager is hereby authorized to implement the closure of
Avenue B from Depot Street to Central Avenue.

Section 3. Open Meetings. The City Council hereby finds and declares that written notice of the
date, hour, place, and subject of the meeting at which this Resolution was adopted was posted
and that such meeting was open to the public as required by law at all times during which this
Resolution and the subject matter hereof were discussed, considered, and formally acted upon,
all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Section 4. This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 15th day of November, 2022

ATTEST:

THERESA Y. MCSHAN, Mayor
City of Elgin, Texas

JENNIFER STUBBS, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE CITY MANAGER TO APPROVE PROFESSIONAL SERVICES FEES WITH FGM ARCHITECTS INC. RELATED TO THE ELGIN POLICE DEPARTMENT STATION PROJECT; AND MAKING CERTAIN FINDINGS RELATED THERETO.

DEPARTMENT: City Manager/EPD

PROPOSED ACTION: Approval of a Resolution authorizing the City Manager to remit payment for professional services fees in the amount of \$19,242.70 associated with the City of Elgin Police Station Project.

BACKGROUND:

Last year, the City Council approved the issuance the 2021A Certificates of Obligation (CO) in the total amount of approximately \$12.5M to provide funding for a wide range of capital improvement projects, including funding to construct a new City of Elgin Police Department (EPD) Station.

Previously, the City Council, upon recommendation of the EPD Station Building Committee, authorized utilization of the “Construction Manager at Risk” (“CMAR”) delivery process for the project and the engagement of FGM Architects Inc. to provide engineering and design services as part of the CMAR team.

These fees are for Programming/Schematic Design and for traveling fees as a part of the contract previously approved by the City Council.

BUDGET/FINANCIAL IMPACT:

Funding for this item was { } included {X} not included in the current-year budget { } N/A

RECOMMENDATION:

Adopt and approve a Resolution authorizing the City Manager to remit payment for professional services fees in the amount of \$19,242.70 associated with the City of Elgin Police Station Project.

ATTACHMENTS: (1) Resolution (2) Invoice

{ } Staff will be making a detailed presentation on this agenda item at the meeting.

{X} Staff will provide brief comments and answer questions on this item at the meeting.

{ } This is a routine procedural item, and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

RESOLUTION NO.

**A RESOLUTION OF THE CITY OF ELGIN, TEXAS,
AUTHORIZING THE CITY MANAGER TO APPROVE
PROFESSIONAL SERVICES FEES WITH FGM
ARCHITECTS INC. RELATED TO THE ELGIN POLICE
DEPARTMENT STATION PROJECT; AND MAKING
CERTAIN FINDINGS RELATED THERETO.**

WHEREAS, the Elgin City Council approved the issuance the 2021A Certificates of Obligation to provide funding for a wide range of capital improvement projects, including a new City of Elgin Police Department (EPD) Station (“Project”); and,

WHEREAS, the City Council, upon recommendation of the EPD Station Building Committee, has previously authorized utilization of the “Construction Manager at Risk” (“CMAR”) delivery process for the Project and the engagement of FGM Architects Inc. to provide engineering and design services as part of the CMAR team, and;

WHEREAS, FGM Architects Inc. have submitted an invoice to the city for professional services charges related to the Elgin Police Department Station Project.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELGIN, BASTROP AND TRAVIS COUNTY, TEXAS THAT:

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

Section 2. Authorization. The City Manager is hereby authorized to execute a dollar amount of \$19,242.70 for professional services associated with the City of Elgin Police Department Station Project from August 27, 2022, to September 30, 2022.

Section 3. 2021A Certificates of Obligation Funding. The City Council does also hereby expressly approve the utilization of proceeds from the 2021A Certificates of Obligation debt issuance in support of the project that is the subject matter of this Resolution; and does further acknowledge that an amendment to the *FY21-22 City of Elgin Annual Operating Budget* may be required at a future date to formally appropriate funds for this item.

Section 4. Open Meetings. The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered, and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Section 5. This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 15th day of November 2022

ATTEST:

THERESA Y. MCSHAN, Mayor
City of Elgin, Texas

JENNIFER STUBBS, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION AUTHORIZING THE ADDITION OF A UTILITY SYSTEMS MANAGER POSITION RESULTING FROM REORGANIZATION OF UTILITIES DIVISION WITHIN THE PUBLIC WORKS DEPARTMENT

DEPARTMENT: Human Resources/Public Works

PROPOSED ACTION: Approval of a Resolution authorizing Utility Systems Manager position under new organizational structure within the Public Works Department, Utilities Division.

BACKGROUND: In order to ensure compliance with TCEQ regulations that encompass the City's water and wastewater infrastructure and treatment facilities and the certification of the City's utility maintenance technicians, the City has identified a need to hire a Utility Systems Manager. The Utility Systems Manager will report directly to the Public Works Director and will oversee all facets of the City's water and wastewater operations. This Manager will work to establish standard operating procedures and policies for the City's water and wastewater systems, stormwater, and regulatory compliance. Additionally, this incumbent would provide training and support to staff in obtaining the appropriate certifications required for their roles within the City's utility system.

BUDGET/FINANCIAL IMPACT:

Funding for this item was { } included {X} not included in the current-year budget { } N/A

RECOMMENDATION:

ATTACHMENTS: (1) PW ORG CHART FY 2023

- { } Staff will be making a detailed presentation on this agenda item at the meeting.
- {X} Staff will provide brief comments and answer questions on this item at the meeting.
- { } This is a routine procedural item, and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF ELGIN, TEXAS
AUTHORIZING THE ADDITION OF A UTILITY
SYSTEMS MANAGER POSITION RESULTING FROM
REORGANIZATION OF UTILITIES DIVISION WITHIN
THE PUBLIC WORKS DEPARTMENT**

WHEREAS, The Elgin City Council approves the amended organizational chart, including the addition to the authorization of positions in the FY 2022-23 adopted budget; and

WHEREAS, the duties for oversight of the Utility Systems will be allocated more appropriately within the department and division; and

WHEREAS, this new reorganization of the Public Works Department, Utilities Division, as shown on the attached *PW ORG CHART FY 2023* will be more efficient; and

WHEREAS, the impact of this reorganization has been shown to be cost neutral to the City.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELGIN, BASTROP AND TRAVIS COUNTY, TEXAS THAT:

Section 1. Findings. The attached organizational chart for the Public Works Department is hereby authorized by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Authorization. The City Manager is hereby authorized to add a Utility Systems Manager position to the authorized positions listing for the current fiscal year with available funding from the Utility Fund.

Section 3. Open Meetings. The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered, and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

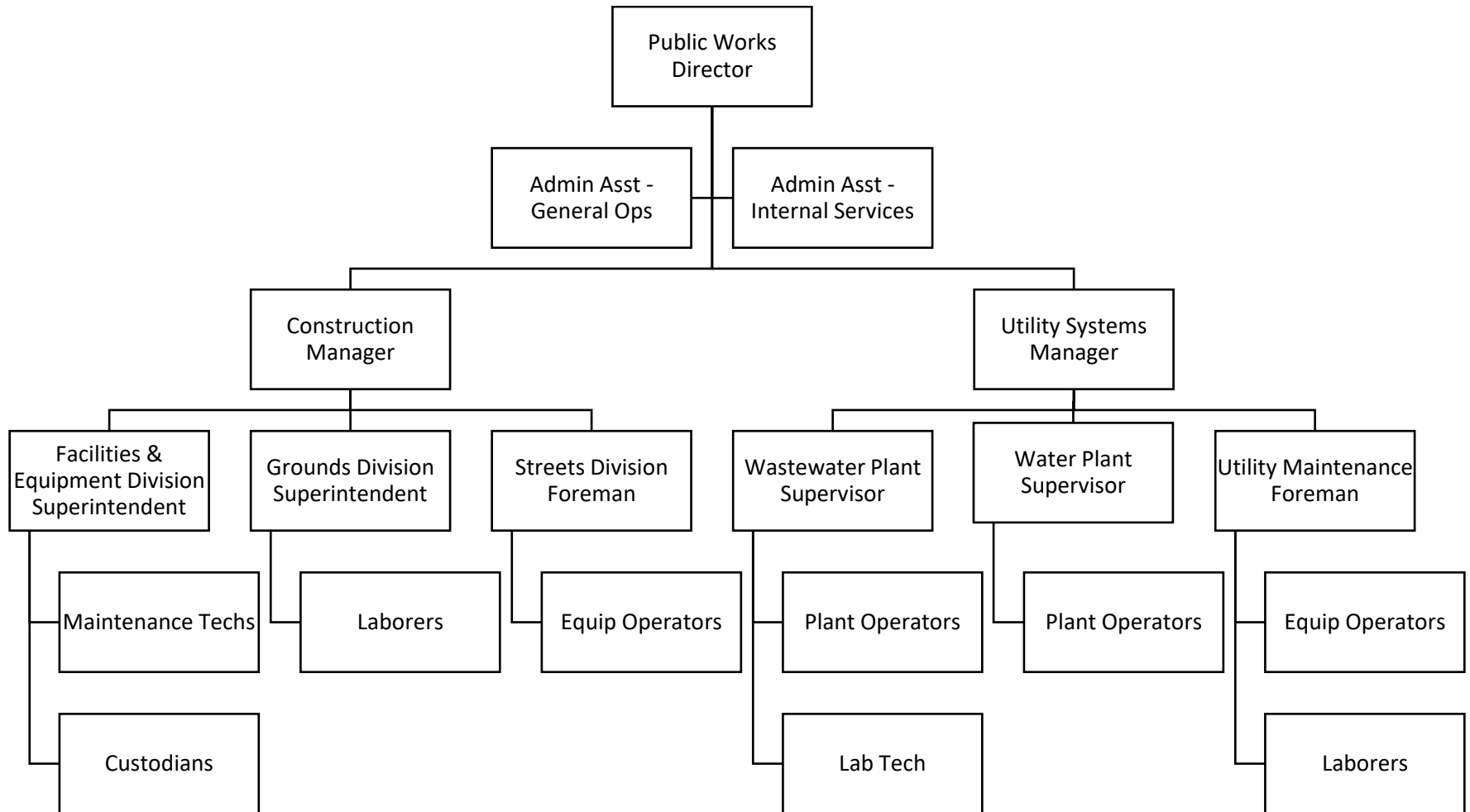
Section 4. This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this 15th day of November, 2022

ATTEST:

THERESA Y. MCSHAN, Mayor
City of Elgin, Texas

JENNIFER STUBBS, City Secretary





Elgin City Council Meeting Agenda Item Executive Summary

ITEM: AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ELGIN, TEXAS ADOPTED IN CHAPTER 46, SECTION 46-3, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, 2013 AND MAKING THIS AMENDMENT A PART OF SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE AS PDD PLANNED DEVELOPMENT DISTRICT THE PROPERTY CONTAINING 49.93 ACRES, SITUATED IN THE WILLIAM HINES SURVEY, AB. NO. 53, LOCATED IN TRAVIS CO., TX; SUBJECT TRACT BEING DESCRIBED IN DEED TO DIANN TENNEY SMITH AS RECORDED UNDER DOCUMENT NO. 2020197159, OFFICIAL PUBLIC RECORDS OF TRAVIS CO., TX BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

DEPARTMENT: Development Services.

PROPOSED ACTION: Discussion, consideration, and action on an ordinance amending the official zoning map of the City of Elgin, TX adopted in Ch. 46, Sec. 46-3, revised Code of Ordinances, City of Elgin, TX, 2013 and making this amendment a part of said official zoning map (Northside Meadows Rezoning from R-1 to PDD).

BACKGROUND: See attached staff report.

BUDGET/FINANCIAL IMPACT:

Funding for this item was {} included {} not included in the current-year budget {X} N/A

Finance Approval:

Signature: _____ **Date:** _____

RECOMMENDATION: The Planning & Zoning Commission provided input of this item at their September 26, 2022, meeting. This has been included in the attached staff report.

ATTACHMENTS: Staff Report, Application w/ Owners Authorization, Staff added Comprehensive Plan Exhibits, Staff added Zoning Map, Staff Compliance Letter, and PDD Ordinance with Text and Maps.

{} Staff will be making a detailed presentation on this agenda item at the meeting.

{X} Staff will provide brief comments and answer questions on this item at the meeting.

{} This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.



Development Service Department

STAFF REPORT

Rezoning from R-1 to PDD for Northside Meadows

Project #: 202200065

Date: November 1, 2022
Applicant: Diane Bernal - DB Land Consulting LLC
Representative: SAME
Hearing Dates: City Council – November 15, 2022
Location: Travis Co. Appraisal District Parcel 947820

APPLICATION SUMMARY

Consideration of a rezoning of 49.93 acres of land located along the southside of FM 1100 and adjacent to the Briarwood Development (a change to the official zoning map). The proposal is to change the zoning from R-1 Single Family Residential District to PDD Planned Development District to develop 184 single family residential homes and have a 1.07-acre commercial lot using C-1 permitted uses near FM 1100 at the entry into the Subdivision.

DEPARTMENT COMMENTS

Since the parcel is being rezoned to a PDD it has separate development standards, these have been included in attachment 5. No deviations to City Code are listed in the PDD. Residential lots will be developed to the minimum lot area and exceed the minimum lot width for the R-3 zoning standard.

A traffic impact analysis (TIA) will not be required by the City since the applicant will be constructing an east-west collector roadway through their property (see attachment 5, Street F) and working with the City and associated landowners to finish the proposed east-west collector roadway from the east of their property line to the proposed north-south arterial in the Briarwood Development, for 320 feet. This overall future east-west Collector roadway will run from County Line Rd. to Klaus Ln. which will cross the future north-south arterial in the Briarwood Development further east. This off-site north-south arterial has development approval from Western Sky Blvd. to FM 1100, with potentially future approvals further north to Carlson Ln. These road systems will act as relivers to FM 1100 and County Line Rd.

The applicant is also reserving 15 feet of reserved ROW along one side of the roadway for future TXDOT enlargement. With future development providing the same reservation on the northside of FM 1100 this will make the total ROW a minimum of 110 feet. A future north-south collector (see attachment 5, Street A) will run from Street K to FM 1100 to provide primary access to the Subdivision until Street F is connected to the north-south arterial.

The Development will not have public parklands for the development but will pay \$800.00 per residential lot into the Parkland Fund for the future acquisition of parkland. They will also change from Aqua CCN to City CCN for water related services and will pay

the City \$3,900 an acre at the time of Final Plat approval with costs not to exceed \$194,727 for the totality of the Development.

The applicant has provided a signage plan that will allow for an entry monument sign at the entrances to the development. These sign standards will allow for some larger signage than presently in the City Code however this is a common requirement within a master planned community.

PLANNING AND ZONING COMMISSION INPUT

The Commission offered their input to the development plan in a workshop format at their September 26, 2022, meeting. Staff and Commission discussion involved site location, lot sizes, parkland, traffic impact analysis, trails, & placement of collector to the east of the site.

Individual members expressed their concern for the small size of the lots, only one (1) access for all the lots and limit to thirty (30) homes until secondary access is built, turn unnecessary open space behind lots into owned lot space, commercial space at entryway, addition of trail system in open space, & channelization of drainage to maximize lot area.

STAFF ANALYSIS

In review of the Elgin Comprehensive Plan the parcel is located within the Agricultural Land Use category. This category's primary land usage is agriculture (see attachment 2) according to the provided map and associated land use language. The current R-1 zoning category, as the parcel was zoned automatically when annexed, allows for single family homes as a use by right. This is a conflict with the land use and zoning; however, this occurred when the property was annexed and this rezoning to a PDD doesn't change this conflict. Although the commercial is a higher intensity use than residential, this parcel is only one (1) acre in size and wouldn't greatly affect the overall development pattern within the area.

When seeking a rezoning, the Council should consider the uses that could occur on the land by rezoning to another zoning category. There are several uses that are subtracted since the PDD will only have part of it as residential only (see red text). Since the development has commercial within it, all C-1 uses will be allowed (see green text).

R-1 District (existing)	PDD (proposed)
Detached single-family dwelling.	Detached single-family dwelling.
Churches, but not including revival tents or arbors.	
Public school offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping.	
Public park and playground.	
Library.	
Growing of farm products.	
Municipal use	
Telephone exchanges.	
Home occupations.	Home occupations.
Transportation and utility easements, alleys and rights-of-way	Transportation and utility easements, alleys and rights-of-way

R-1 District (existing)	PDD (proposed)
Accessory building which is not a part of a main building, including one private garage, or accessory building which is a part of a main building, including one private garage.	Accessory building which is not a part of a main building, including one private garage, or accessory building which is a part of a main building, including one private garage.
Accessory uses, which shall include the following where the primary use is residential: Customary home occupations, if done inside of building, such as dressmaking, babysitting, seamstress, tailoring, millinery, tutoring, when engaged in by members of the resident family and employing not more than one person, not a member of the resident family, but not including beauty culture, barbering or appliance repairing.	Accessory uses, which shall include the following where the primary use is residential: Customary home occupations, if done inside of building, such as dressmaking, babysitting, seamstress, tailoring, millinery, tutoring, when engaged in by members of the resident family and employing not more than one person, not a member of the resident family, but not including beauty culture, barbering or appliance repairing.

Uses as allowed for the Commercial portion near FM 1100 will be as follows:

Antique shop.	Curio or gift shop.	Musical instrument sales.
Appliance shop.	Drug store or fountain.	Newspaper or magazine sales.
Arts school, gallery or museum.	Dry goods store.	Office business.
Artists materials, supply studio.	Dairy products or ice cream store.	Optometrists sales and service.
Automobile parking lot.	Delicatessen.	Photographer studio.
Baby shop.	Dress shop.	Pharmacy.
Bakery goods store.	Florist shop, greenhouse, nursery.	Radio and television sales and service.
Bank.	Furniture store.	Restaurant.
Barbershop.	Grocery store or supermarket.	Self-service laundry or dry cleaning.
Beauty shop.	Hardware store.	Sewing machine sales, instruction.
Book or stationery store.	Jewelry or notion store.	Sporting goods sales.
Camera shop.	Lodge hall.	Shoe repair shop.
Candy store.	Meat market.	Tailor shop.
Catering establishment.	Medical facility.	Toy store.
Cleaning, pressing, laundry collection agency.	Messenger or telegraph service.	Variety store.

Below is a list of zoning standards for each zoning category, changes are highlighted in yellow between zoning categories:

Residential Standard	R-1 (exist. zoning)	PDD(proposed zoning)
Height	2.5 stories or 35 feet	35 feet.
Front Setback	25 feet; garage at 25 feet	15 feet, garage at 20 feet.
Side Setback	10 feet for 1 story; 7.5 feet for more than 1 story	5 feet
Rear Setback	10 feet	10 feet
Lot Width	90 feet	60 feet
Lot Area	9,000 sq. ft.	6,000 sq. ft.
Impervious Cover on Lot	45% interior; 50% corner	45% interior; 50% corner

Commercial Standard	R-1 (exist. zoning)	PDD(proposed zoning)
Height	2.5 stories or 35 feet	35 feet.
Front Setback	25 feet; garage at 25 feet	25 feet
Side Setback	10 feet for 1 story; 7.5 feet for more than 1 story	15 feet
Rear Setback	10 feet	10 feet
Lot Width	90 feet	None
Lot Area	9,000 sq. ft.	None
Impervious Cover on Lot	45% interior; 50% corner	None

Based on the information within the packet, staff has no issues or concerns regarding the proposal. The zoning request is adjacent to another PDD (Creeks Crossing) to the south (see attachment 3) which has single family residential uses. Although there is a commercial use towards FM 1100, it has C-1 related uses which is our lower level commercial and most compatible with neighboring residential uses. Due to the 1.06-acre parcel size, many of the larger commercial uses such as an art school and grocery store would not be able to go on this site. Also, the maintenance of single-family homes would maintain the development pattern of the area through the present zoning and the already extended Concept Plan (see attachment 3).

ATTACHMENTS

Additional information is provided through attached exhibits.

1. Application w/Owners Authorization
2. Staff Added Comprehensive Plan Exhibits.
3. Staff Added Zoning Map.
4. Staff Compliance Letter.
5. PDD Ordinance with Text and Map.

Attachment 1

Application w/ Owners Authorization

PDD REZONING APPLICATION

Date: April 4, 2022New ☒ Modification ☐

Modification of _____

SITE INFORMATION

Project Address: F M RD 1100Parcel Identification Number (if no address): 947820

APPLICANT

Name: Diane Bernal DB Land Consulting LLCPostal Address: 11917 Oak Knoll Dr., Ste. C
Austin, Texas 78759E-Mail Address: dianejbernal@gmail.com; Phone Number: 5122151433

The information given on this application is accurate to the best of my knowledge. All provisions of laws and ordinances governing this work will be complied with, whether specified on this application or not.

<u></u>	<u>Diane Bernal</u>	<u>April 4, 2022</u>
Signature	Printed Name	Date

Project Description:

Applicant proposes a planned development to support comprehensive plan of single family homes in this area. Thoroughfare from adjacent property to the west to be observed and coordinated with this development. Approximately 200 single family lots are to be created with the proposed project attached to this application and one lot to be base zoned for commercial use intended to serve as the amenity center for the planned development.



310 North Main Street
P.O. Box 591
Elgin, Texas, 78621



(512) 281-0119



www.elgintx.com

Authorized Agent Declaration

As property owner of the site identified under the Travis Central Appraisal District Property ID: 947820 and described as ABS 345 SUR 53 HINES W ACR 49.93 (1-D-1) locally addressed as FM 1100, Elgin, Texas. I have entered into an agreement with DB Land Consulting, LLC. C/O Diane Bernal, and have appointed Ms. Bernal as agent in submission of any applications and executing development processes on behalf of my company.

I understand that I, as owner, am responsible for any applications / documents submitted by my agent(s) and that the individual(s) must exhibit this authorization form to the City of Elgin Development Staff upon request. I further acknowledge that this original authorization can remain in my file for legal reference purposes if needed. It is agreed that the agent(s) named below may act as the primary contact for requested information by City Staff to complete applications and to execute processes that pertain to the development of the property named herein. I understand that it is my responsibility to update my file with the City of Elgin upon change of authorized agent status. Persons named below are authorized and approved to submit applications and ancillary information to obtain approvals in regards to the business.

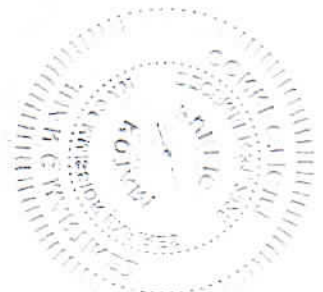
Authorized Agent 1: Diane Bernal
Company Name: DB Land Consulting LLC
Email: dianejbernal@gmail.com
phone: 512-215-1433

The development will fall under the jurisdiction of the City of Elgin.

Witness, this 29th Day of March 29, 2022, I, the undersigned, ~~representing Har, A Texas limited liability company,~~ do hereby affirm that all information on this form is true and correct.

H. Hariharan (Signature)
HARIHARAN KUPPURAJ (Typed Name)

Property Owner
Hariharan Kuppuraj



April 4, 2022

Development Services
City of Elgin

Elgin, Texas

Ref: Narrative for the FM1100 Planned Development District (PDD)

This application is for rezoning to a Planned Development District (PDD) of a parcel of land located along FM 1100 and within Travis County. This property is recognized under Parcel Identification Number 947820 and locally addressed as FM 1100, Elgin, Travis County, Texas 78621.

It is the intent of this submission to provide a PDD that follows the Comprehensive Plan's Guiding Principles and core values.

The property is currently agricultural land that is contiguous with properties within the City of Limits of Elgin, Texas. The site is also located within the future planning areas as identified in the Elgin's *Envision Elgin* Comprehensive Plan (2016). This planned development will:

- Foster sustainable development patterns that are accessible and accommodate the diverse needs of all residents, especially those of future generations.

Family, Diversity, and Safety will be the cornerstone of planning this site for development. The planned development will help accommodate anticipated growth patterns in this area and will also provide an opportunity for neighborhood connectivity to adjacent planned developments and neighborhoods in anticipation for the expected growth. Additionally, a major collector is included with the presentation of this PDD in support of Elgin's Comprehensive plan and connectivity to adjacent neighborhoods. The PDD also plans to have an amenity center along the frontage of FM 1100 that will be zoned appropriately with this application. Pocket parks are planned to support this development and locations will be determined during the platting process.

Groundbreaking for the FM 1100 PDD will occur following approval from City Council and approval for site development as required during the platting process. It is the intent of the owner to have a product available by July 1, 2022.

Attachment 2

Staff Added Comprehensive Plan Exhibits



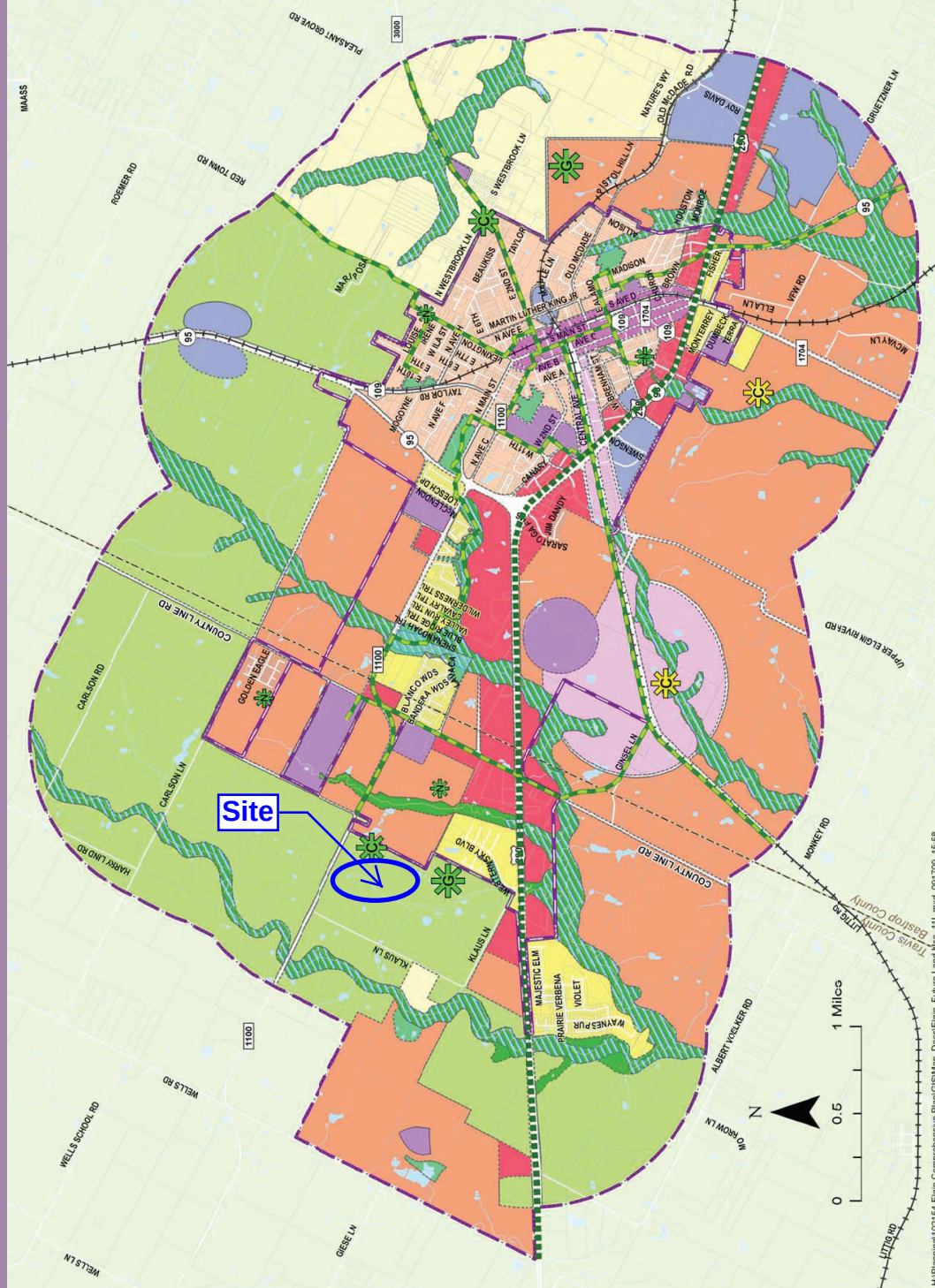
Exhibit 4.4: Future Land Use and Development Plan

- Parcel Boundary
- Elgin City Limits
- Elgin Planning Area

Future Land Use

- Natural Area
- Agriculture
- Low Density Residential
- Existing Single-Family Residential
- Traditional Neighborhood Residential
- Central Elgin Neighborhoods
- Mixed Use
- Main Street Elgin
- Commercial
- Light Industrial
- Institutional
- Parks and Recreation
- 100-Year Flood Plain
- Proposed Park from Parks Master Plan
- Proposed Park from WSA
- Proposed Trail from Parks Master Plan
- US 290 Corridor Greenscaping

Note: A Comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.



H:\Planning\102154-Elgin Comprehensive Plan\GIS\Map_Docs\Elgin_Future Land Use_11L.mxd 09/17/09 15:58
Source: Wilbur Smith Associates, Inc., 2009.

Agricultural

General Description: Areas dedicated to food production and raising livestock. Development in these areas is very minimal, and primarily associated with agricultural activity. Elgin desires to keep these areas as farmland or ranchland wherever possible in order to maintain and promote an agricultural economic base, as well as provide a local food source, and preserve the rural character of the community.

Transect Zone: Natural (T1)

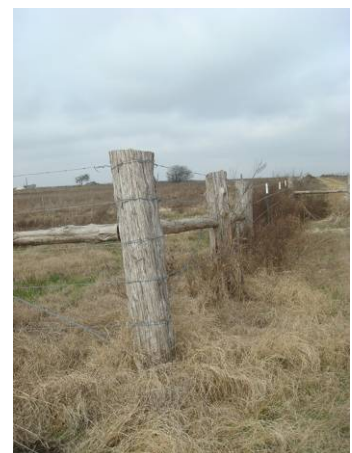
Primary Land Use: Agricultural

Supporting Land Uses: Rural residences (farm houses), equestrian facilities, agricultural storage, small-scale commercial, and industrial uses directly related to agricultural activity.

Residential Densities: 1 unit per 10 acres or more.

Form and Character: The area is defined by vast areas of open space and agricultural land with a rural or natural character. Built structures are very sparse and typically associated with farming operations such as barns, pens, sheds, and feed storage. Because it is a working landscape, agricultural areas are associated with some “nuisances” such as noise, dust, and fertilizer that are best mitigated by maintaining large parcel sizes and limiting urbanization where possible.

Parks and Open Space: The low-density of development and open spaces that are inherent in agricultural areas do not require that additional parks be provided. A regional park may be appropriate if it is focused on a natural or historic feature of local/regional significance.



Attachment 3
Staff Added Zoning Map

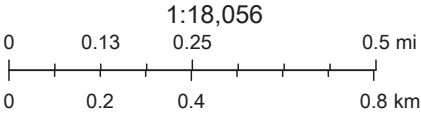
Zoning Map



9/12/2022, 8:54:05 PM

Zoning

- A - Multiple Family Residential District
- C2 - General Commercial District
- C3 - Highway Commercial District
- PDD - Planned Development District
- R1 - Single Family
- R3 - Single Family/Two Family/Industrialized Housing District



Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Web AppBuilder for ArcGIS

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community | Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community | Esri, HERE, Garmin, (c)

Attachment 4
Staff Compliance Letter



505 East Huntland Drive
Suite 250
Austin, Texas 78752

T 512.454.8716
TRCcompanies.com
T.B.P.E. #F-8632

October 20, 2022

Mr. David Harrell, Development Services Director
City of Elgin
310 N. Main St.
Elgin, Texas 78621

RE: Northside Meadows PDD Review

Dear Mr. Harrell:

TRC has reviewed the following documents listed below submitted by DB Land Consulting, LLC:

1. Agreement and Development Plan for Northside Meadows PDD dated October 20, 2022.
2. Other supporting documents submitted with the PDD: Comment response letter.

Our review finds that these documents have been prepared in general conformance with the City of Elgin's Code of Ordinances and any deviations from the Code have been negotiated with additional benefits included for the City.

As TRC did not provide the detailed design of the submitted documents, TRC and the City of Elgin must rely on the adequacy of the Registered Professional Land Surveyor and Registered Professional Engineer that prepared the documents and all responsibility for the surveying, engineering design and submitted documents shall remain with the Registered Professional Land Surveyor and Registered Professional Engineer. Note that prior to execution of the PDD, all applicable filing fees and invoices shall be paid. If you have any questions regarding this information, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in blue ink, appearing to read 'K. Beau Perry'.

K. Beau Perry, P.E.
Vice President

cc: Ms. Diane Bernal, DB Land Consulting LLC

Attachment 5

PDD Ordinance with Text and Maps

ORDINANCE NO. 2022-11-15-??

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ELGIN, TEXAS ADOPTED IN CHAPTER 46, SECTION 46-3, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, 2013 AND MAKING THIS AMENDMENT A PART OF SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE AS PDD PLANNED DEVELOPMENT DISTRICT THE PROPERTY CONTAINING 49.93 ACRES, SITUATED IN THE WILLIAM HINES SURVEY, AB. NO. 53, LOCATED IN TRAVIS CO., TX; SUBJECT TRACT BEING DESCRIBED IN DEED TO DIANN TENNEY SMITH AS RECORDED UNDER DOCUMENT NO. 2020197159, OFFICIAL PUBLIC RECORDS OF TRAVIS CO., TX BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

WHEREAS, an application has been made to the City Council of Elgin, Texas to amend the Official Zoning Map to rezone the property described in Exhibit "A" attached hereto and incorporated here in, from R-1 Single Family Dwelling District, and

WHEREAS, the City Council has submitted the requested change in the Official Zoning Map to the Planning and Zoning Commission for its input, and

WHEREAS, the Planning and Zoning Commission held a workshop concerning the requested change on September 26, 2022, and

WHEREAS, the Planning and Zoning Commission has offered their input on the proposed change to the Official Zoning Map, and

WHEREAS, on October 25, 2022, after proper notification, the City Council held a public hearing on the requested zoning, and

WHEREAS, the City Council determines that the zoning provided for herein promote the health, safety, morals, and protects and preserves the general welfare of the community, and

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A, Texas Local Government Code, and Chapter 46, City of Elgin Ordinances, concerning public notices, hearings, and other procedural matters has been fully complied with, Now Therefore

IT ORDAINED BY THE COUNCIL OF THE CITY OF ELGIN, TEXAS, THAT:

The Official Zoning Map adopted in Chapter 46, Section 46-3, City of Elgin, Texas is hereby amended so that the zoning classification of the property described in Exhibit "A" is classified as PDD Planned Development District.

II.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this Ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

READ, PASSED, and ADOPTED on first reading this the 15th day of November 2022.

THERESA Y. MCSHAN, Mayor
City of Elgin, Texas

ATTEST:

JENNIFER STUBBS, City Secretary

EXHIBIT "A"

AGREEMENT AND DEVELOPMENT PLAN

NORTHSIDE MEADOWS

**PLANNED DEVELOPMENT DISTRICT
("PDD")**

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

THIS AGREEMENT AND DEVELOPMENT PLAN (this "Agreement") is made and entered by and between the CITY OF ELGIN, TEXAS, a Texas municipal corporation, (hereinafter referred to as the "City"), and Hariharan Kuppuraj, Property Owner, its successors and assigns, (hereafter referred to as the "Owner"); provided, however, upon sale, transfer or conveyance of portions of the hereinafter described property, the duties and obligations of the Owner, as it relates to the respective property, shall be assumed by the new owner, and the Owner shall have no further liability relating to their respective property.

WHEREAS, the Owner is the owner of certain real property consisting of approximately 49.93 acres, as more particularly described in **Exhibit "A"** (hereinafter referred to as the "Property") attached hereto and made a part hereof.

WHEREAS, the Owner has submitted a request to the City to zone the Property as a Planned Development District (the "PDD"), and those portions of the Property currently lie within City Limits.

WHEREAS, pursuant to Chapter 46, Article IV, Division 10, Code of Ordinances, City of Elgin, Texas, the Owner has submitted a Development Plan setting forth the development conditions and requirements within the PDD, which Development Plan is contained in Section II of this Agreement; and

WHEREAS, the City has held public hearings required by law to solicit input from all interested citizens and affected parties; and

WHEREAS, on September 26, 2022 the City's Planning and Zoning Commission held a workshop of the Owner's application for a PDD; and

WHEREAS, the City Council has reviewed the proposed Development Plan and determined that it promotes the health, safety, and general welfare of the citizens of Elgin and that it complies with the intent of the Planned Development District Ordinance of the City;

NOW THEREFORE BY THIS AGREEMENT WITNESSETH that, in consideration of the covenants and conditions set forth herein, the City and the Owner agree as follows:

I.

GENERAL PROVISIONS

1. CONFORMITY WITH DEVELOPMENT PLAN

All uses and development within the Property shall conform to the Development Plan included in Section II herein the "Plan."

2. CHANGES AND MODIFICATIONS

No changes or modifications will be made to this Development Plan unless all provisions pertaining to changes or modifications as stated herein are followed.

3. ZONING VIOLATION

The Owner, his successors and assigns understand that any person, firm, corporation or other entity violating any conditions or terms of the Development Plan shall be subject to any and all penalties for the violation of any zoning ordinance provisions as stated in the Code of Ordinances, City of Elgin, Texas, as amended. This Plan will be filed in the Official Records of Travis Counties, thereby placing future purchasers of the property on notice of all of the terms and conditions of this Plan.

4. MISCELLANEOUS PROVISIONS

4.1 Assignment.

Neither party may assign its rights and obligations under this Agreement without having first obtained the prior written consent of the other which consent shall not be unreasonably withheld. This section shall not prevent the Owner from selling the Property or portions of the Property, together with all development rights and obligations contained in this Development Plan, and no consent shall be required in connection with any sale provided the purchaser assumes Owner's obligations in writing as to such portions of the Property.

4.2 Necessary Documents and Action.

Each party agrees to execute and deliver all such other and further instruments and undertake such actions as are or may become necessary or convenient to effectuate the purposes and intent of this Agreement.

4.3 Severability.

In case one or more provisions contained herein are deemed invalid, illegal or unenforceable in any respect such invalidity, illegality or unenforceability shall not affect any other provisions hereof and in such event, this agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

4.4 Entire Agreement.

This Agreement constitutes the entire agreement of the parties and supersedes any prior or contemporaneous oral or written understandings or representations of the parties respecting the subject matter hereof.

4.5 Applicable Law.

This Agreement shall be construed under and in accordance with the laws of the State of Texas.

4.6 Venue.

All obligations of the parties created hereunder are performable in Travis Counties, Texas and venue for any action arising hereunder shall be in Travis Counties.

4.7 No Third-Party Beneficiaries.

Nothing in this Agreement, express or implied, is intended to confer upon any person or entity, other than the parties hereto (and their respective successors and assigns), any rights, benefits or remedies under or by reason of this Agreement.

4.8 Duplicate Originals.

This Agreement may be executed in duplicate original, each of equal dignity.

4.9 Notices.

Until changed by written notice thereof any notice required under this Agreement may be given to the respective parties, by certified mail, postage prepaid or by hand delivery to the address of the other party shown below:

OWNER
Hariharan Kuppuraj
77 Chaponis Way
South Windsor, Connecticut 06074
ATTN: Hari Kuppuraj

CITY OF ELGIN, TEXAS
City of Elgin, Texas
P.O. Box 591
Elgin, Texas 78621
Attn: City Manager

4.10 Effective Date.

This Agreement shall be effective from and after the date of due execution hereof by all parties.

4.11 Appeal of Administrative Decisions.

Administrative decisions provided for in this Agreement may be appealed to the City Council in writing within 30 days following receipt by the Owner of the written confirmation of the decision.

4.12 Binding Effect.

This Agreement and the Development Plan binds and benefits the Owner and its successors and assigns.

4.13 Sunset Provision.

In the event that this Planned Development Plan is not recorded within five (5) years from the date the Planned Development Plan is approved by the City Council, then the Planned Development Plan shall be automatically voided and the zoning shall revert to R-1 (the zoning ordinances in effect at the time of approval of this PDD).

II

DEVELOPMENT PLAN "Plan"

1. DEFINITIONS

Words and terms used herein shall have their usual force and meaning, or as defined in the Code of Ordinances, as amended, City of Elgin, Texas, hereinafter referred to as "the Code."

2. PROPERTY

This Development Plan (hereinafter referred to as "Plan") covers approximately 49.93 acres of land, all of which is located within the city limits of Elgin, Texas, and more particularly described by metes and bounds in **Exhibit "A"**, attached hereto.

3. PURPOSE

The purpose of this Plan is to insure a PDD that 1) is equal to or superior to development that would occur under the standard ordinance requirements, 2) does not have an undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting the public health, safety and welfare, 3) is adequately provisioned by essential public facilities and services, and 4) will be developed and maintained so as not to dominate, by scale or massing of structures, the immediate neighboring properties or interfere with their development or use in accordance with any existing zoning district.

4. APPLICABILITY OF CITY ORDINANCES

4.1 Zoning and Subdivision Ordinances

The Property shall be regulated for purposes of zoning and subdivision by this Plan. All aspects not specifically covered by this Plan shall be regulated by applicable sections of the Code. This PDD serves to augment and/or modify the standards for development outlined in the Code to implement the vision for the Property and ensure a quality development not otherwise achieved solely by the underlying base zoning district. Refer to **Exhibit "C"**, Development Standards, for additional design standards set forth in the PDD document. If there is a conflict between this Agreement and Plan and the Code, this Agreement and Plan shall supersede the specific conflicting provisions of the Code. If there is a conflict between this Agreement and **Exhibit "C"**, this Agreement shall supersede the specific conflicting provisions of the **Exhibit "C"**.

4.2 Other Ordinances

All other Ordinances within the Code shall apply to the Property, except as clearly modified by this Plan.

5. PERMITTED USES

The Property shall be used and developed as shown in the Concept Plan, **Exhibit "B"** attached hereto and incorporated herein. **Exhibit "C"**, Development Standards, depicts the development standards for the Residential parcels within the Property and one (1) designated commercial lot.

6. UNDERGROUND UTILITY SERVICE

All utility lines must be underground to connection points provided by the utility service provider.

7. ROADWAY IMPACTS

Developer shall design and construct roads and thoroughfares, on behalf of the Northside Meadows Subdivision Planned Development, to serve the Development, as depicted on the attached **Exhibit "C"**. Such road improvements shall include (i) an east-west collector road connecting to the adjacent Briarwood Development to the East and the Cano Subdivision to the West, in accordance with all City standards for collector roads, unless otherwise noted in this Agreement, (ii) a north-south collector road connecting the Creeks Crossing Subdivision to the South, in accordance with all City standards for collector roads, utilizing typical collector road width.

Developer will obtain all driveway permits from the Texas Department of Transportation ("TXDOT") relating to road construction at FM 1100.

7.1 City Participation

City agrees the developer will not be responsible for costs associated and related to the design and construction of adjacent roadway improvements, including, but not limited to improvements to FM 1100 ("Adjacent Roadway Project" or "Adjacent Roadway Project Costs") in accordance with the design plans as provided by the City, which shall include curbed and guttered roadway and associated storm sewer and utility improvements.

7.2 Developer Participation

Developer agrees to pay for all costs related to the design and construction of all roadway improvements within the Project, which includes a new east and west Minor collector with a Right of Way dedication of sixty feet (60') (the "Boulevard Project") interior to the Project identified in the City's current Comprehensive Plan dated May 2016. Developer also agrees to pay for acquisition and improvements of the offsite Right of Way necessary to extend the Boulevard Project from the current project boundary to the Briarwood MUD project to the east. Developer's contribution of the Boulevard Project Costs shall be in lieu of, and Developer shall not be subject to an impact fee for the Adjacent Roadway Project or any other City roadway projects in mitigation of project generated traffic.

7.3 Developer Participation Schedule

As noted above, as consideration for the Boulevard Extension Project, Developer shall not be required to participate in the Adjacent Roadway Project or required to pay any impact fees for offsite roadway projects.

8. PARKLAND DEDICATION

The parkland dedication requirements for the Property shall be met in full by providing the following:

8.1 Open Space Plan

The Project will not provide areas of public open space. Areas shown on **Exhibit "B"** Conceptual indicate green areas required for required drainage throughout this site.

8.2 Parkland Fee in Lieu of Required

A parkland fee of \$800 per lot must be paid in accordance with the fee schedule as the parkland dedication requirements are not met. Total lots proposed for this development are 184 total residential lots, 7 drainage easement / open space lots and 1 commercial lot.

8.3 Tree Preservation Plan

Due to the project site having no trees onsite, no Tree Preservation Plan will be required. A registered Landscape Architect, Engineer, or Surveyor shall provide a sealed letter stating no trees are onsite that are 8" in diameter or greater that are considered native or protected per City of Elgin code.

8.4 Postal Station

Postal delivery standards are met in accordance with Section 36-60 of the City Subdivision Ordinance.

9. SIGNS

The Project shall incorporate the Development Standards for signage as depicted on **Exhibit "E" - Master Sign Plan**.

10. WATER AND WASTEWATER

The City of Elgin will provide water and sewer service to the site based on the location of existing infrastructure. The Developer will be responsible for extending any existing utilities to the site. The general utility plan is depicted on **Exhibit "D"**.

10.1 Sewer Service

The 24" wastewater line currently under design, is located approximately 320 feet east of the Project boundary. Connection to the 24" interceptor, within the N-S arterial of the Briarwood subdivision, will be made via an 18" interceptor to be constructed along the east-west collector roadway, to include an off-site extension of the roadway and utilities to the east and connecting to Briarwood. The City represents that the 24" wastewater line is of sufficient capacity to serve

the Project. Any costs associated with increasing the size of the existing infrastructure, as necessary to serve any expansion of the Project Concept Plan described in **Exhibit “B”**, shall be paid for by the Developer. The City will cost participate in the event it elects to upsize the required infrastructure. The City, if requested by Developer or the District, shall use its powers of eminent domain to assist Developer in acquiring the land or easement rights necessary for any offsite utilities required.

10.2 Water Service

The 12” water lines currently under design are located at the Project boundary and the Developer confirms no additional off-site extensions are required by the City. The City represents that the 12” water line is of sufficient capacity to serve the Project. Any costs associated with increasing the size of the existing infrastructure, as necessary to serve any expansion of the Project Concept Plan described in **Exhibit “B”**, shall be paid for by the Developer. The City will cost participate in the event it elects to upsize the required infrastructure.

10.3 CCN Territory

The Project as shown in **Exhibit “B”** is wholly within the City of Elgin’s sewer CCN territory as regulated by the Public Utility Commission (PUC). The Project as shown in **Exhibit “B”** is wholly within the Aqua Water Supply Corporation CCN territory as regulated by the Public Utility Commission (PUC). Developer agrees to pay for fees associated with transferring the water CCN from Aqua WSC to the City of Elgin. The area in question constitutes approximately 49.93 acres. The Developer at the time of final plat shall pay the City of Elgin \$3,900 per acre for the area within the final plat. Total costs shall not exceed \$194,727.00 for the entirety of the development as shown in **Exhibit “B”**.

10.4 Oversizing of Water and Wastewater Facilities.

Utilities to be oversized include an 18” wastewater interceptor to extend east and west along the collector roadway to be constructed in accordance with the City’s Thoroughfare Plan. 12” water connections will also be required at the tie in points to the Briarwood MUD at the east side of the site, and Creeks Crossing Subdivision to the south.

11. WATER QUALITY, AND DETENTION, AND IMPERVIOUS COVER

The Project will follow the City’s Code and specifically will be required to provide stormwater runoff controls (detention), erosion control measures, permanent BMP’s, grading, and related infrastructure to prevent increased or adverse affects downstream of the Project. Water quality will not be required for this project.

The Project will be designed utilizing rainfall intensities relative to the Project area. There is no existing FEMA floodplain reflected on the Property and therefore the Project will include grading, re-grading, channelization, and modification as needed to accommodate existing offsite upland flows passing through the Property, onsite drainage ways, and overall stormwater conveyance leaving the Property. Open channels are not acceptable for on-site drainage but can be used for off-site flow.

Impervious cover will be limited to sixty (60%) of the total gross acreage for the Project. Decomposed granite trails, mulch, or other pervious surfaces will not be counted as impervious cover. Pools with at least 4 inches of height between coping and water surface will not be counted as impervious cover.

12. DESIGN OF INGRESS OR EGRESS FOR DRIVEWAYS

This project will not provide mutual access agreements on parking lots, driveways and adjoining properties as encouraged on Section 36-514.8 of the Code of Ordinances. This project will, however, provide connectivity to the Briarwood project directly to the east via a planned collector street with a Right of Way minimum width of 80'-0" and access as allowed to FM 1100 via a collector street as shown on Exhibit "B."

13. STREETS, BLOCKS, LOTS, SIDEWALKS, BUILDING LINES, AND SETBACKS, DRAINAGE AND STORM SEWERS AND OTHER MATTERS

13.1 Development Standards

The Project shall incorporate the Development Standards as depicted on **Exhibit "C"**.

13.2 Buffer Zones

The City of Elgin required buffer zones per Sec. 36-312(b)(2) are hereby removed where Single Family Lots are located per the concept plan and preliminary plan.

13.3 Sidewalk-In-Lieu Fees

The Project will not be responsible for constructing a sidewalk the length of the parcel width at FM 1100, but Sidewalk-In-Lieu fees for the FM 1100 frontage are required.

13.4 Traffic

The Owner shall not be required to perform a Traffic Impact Analysis (TIA) for the Project for the City of Elgin. The City of Elgin agrees to reasonably negotiate with TxDOT and the Developer to reduce or eliminate the need for a TIA for connection along FM 1100.

13.5 Thoroughfare Plan

The Owner shall include the right of way acquisition, design and construction of the east-west collector to extend east approximately 320 feet to the western boundary of the Briarwood development. Additionally, the Owner will coordinate with the adjacent Briarwood and Creeks Crossing projects to ensure that roadways line up for the interconnection of developments.

14. PERIMETER IMPROVEMENTS

The project will dedicate fifteen feet (15'-0") at the FM 1100 Right of Way for the future widening of FM 1100 for the Texas Department of Transportation (TXDOT). The Project Homeowner's Association will maintain these areas until the widening work commences. The perimeter fencing along FM 1100 shall be a six (6) foot masonry wall constructed with brick, natural stone, simulated stone, split-faced or architectural concrete masonry unit (CMU), decorative reinforced concrete, for which the Homeowner's Association will be responsible to maintain the exterior appearance.

15. CHANGES TO AGREEMENT AND DEVELOPMENT PLAN

15.1 Minor Changes

Minor changes to this Agreement or Plan, which do not substantially alter the proposed street circulation, increase the lot count above the limit set in **Exhibit "C"** or alter the Residential Development Standards in **Exhibit "C"**, may be approved administratively, if approved in writing, by the City Engineer, the Director of Planning, the Director of Public Works, and the City Attorney.

15.2 Major Changes

All changes not permitted under section 15.1 above, shall be resubmitted following the same procedure required by the original PDD application; provided, however, that nothing herein or otherwise shall require an owner of a portion of the Property (the "Rezoning Owner") to obtain the consent or approval of any other owner of a portion of the Property for a change in zoning (including amending this Agreement) as it applies to the land of the Rezoning Owner.

15.3 Deed Restrictions and Creation of a Homeowner's Association

The Owner shall create a Homeowner's Association responsible for, among other things, enforcement of deed restrictions required under this Agreement. The Association shall be created, and deed restrictions recorded before the issuance of building permits for residential building construction on the Property. The Association shall be duly authorized, under applicable laws, to enforce the deed restrictions against all owners and developers of land within the Property. Any deed restrictions, and amendments thereto, regulating development of the Property shall be recorded in the Official Public Records of Travis Counties, Texas. Any deed restrictions regulating development of the Property, and any amendments thereto, shall be subject to this Agreement. Such deed restrictions shall further include a statement that they are subject to this Agreement and that, in the event of a conflict between the deed restrictions and this Agreement, this Agreement shall govern.

[Signature Page Follows]

OWNER:

Hariharan Kuppuraj

By: _____

STATE OF TEXAS

_____ COUNTY

Sworn and subscribed before me this the _____ day of _____
by Hariharan Kuppuraj, Property Owner of Northside Meadows Subdivision Planned
Development.

SEAL

Signature of Notary

CITY OF ELGIN

By: _____
Theresa McShan, Mayor

ATTEST:

By: _____
Jennifer Stubbs, City Secretary

STATE OF TEXAS

BASTROP COUNTY

Sworn and subscribed before me this the _____ day of _____, 2022 by Theresa McShan,
Mayor, City of Elgin, Texas.

SEAL

Signature of Notary

STATE OF TEXAS

BASTROP COUNTY

Sworn and subscribed before me this the _____ day of _____, 2022 by
Jennifer Stubbs, City Secretary, City of Elgin, Texas.

SEAL

Signature of Notary

Description of a parcel of land containing 49.93 acres, referred to the WILLIAM HINES SURVEY, Abstract No. 53, located in Travis County, Texas; subject tract being described in deed to Diann Tenney Smith as recorded under Document No. 2020197159, of Public Records of Travis County, Texas (O.P.R.T.C.) said 49.93-acre tract being referred to hereinafter as the above referenced tract and further being more particularly described with all coordinates, bearings, distances and areas being grid, referenced to the Texas Coordinate System of 1983, Central Zone in U.S. Survey Feet as derived from a Global Positioning System (G.P.S) survey performed under the direct supervision of James E. Grant, Registered Professional Land Surveyor No. 4742, during the month of January, 2021, as follows:

BEGINNING at a 1/2-inch-diameter iron rod found marking the northwest corner of said above described tract, also being a point on the southwesterly right of way line of FM 1100, eighty-four feet wide, and the northwest corner of a called 11.987-acre tract of land described in deed to Darwin and Linda Misselhorn as recorded under Document No. 2020065457, O.P.R.T.C.T.;

BEGINNING at a 1/2-inch-diameter iron rod found marking the northwest corner of said above described tract, also being a point on the southwesterly right of way line of FM 1100, eighty-four feet wide, and the northwest corner of a called 11.987-acre tract of land described in deed to Darwin and Linda Misselhorn as recorded under Document No. 2020065457, O.P.R.T.C.T.;

THENCE along the common line, S 65°24'35" E, a distance of 279.73 feet to a 3/8-inch-diameter iron rod found marking the northeast corner of the above referenced tract, also being the northwest corner of a called 10.00-acre as described in deed to Diann T. Smith as recorded under Document in Volume 6762, Page 995, Deed Records of Travis County, Texas (D.R.T.C.T.);

THENCE along the common line, S 65°24'35" E, a distance of 279.73 feet to a 3/8-inch-diameter iron rod found marking the northeast corner of the above referenced tract, also being the northwest corner of a called 10.00-acre as described in deed to Diann T. Smith as recorded under Document in Volume 6762, Page 995, Deed Records of Travis County, Texas (D.R.T.C.T.);

THENCE S 26°57'15" W, a distance of 1089.72 feet to a 5/8-inch-diameter iron rod with pink cap stamped "RPLS 5548" found marking an angle corner of the above reference tract and the west corner of said 10.00-acres;

THENCE S 26°57'15" W, a distance of 1089.72 feet to a 5/8-inch-diameter iron rod with pink cap stamped "RPLS 5548" found marking an angle corner of the above reference tract and the west corner of said 10.00-acres;

THENCE along the common line, S 65°21'36" E, a distance of 161.95 feet to a 5/8-inch-diameter iron rod with pink cap stamped "RPLS 5548" found marking an angle corner of the above reference tract, said 10.00-acre and the northwest corner of said 3.37-acre as described in deed to Diego J. Smith as recorded under Document in Volume 7801, Page 638, D.B.X.C.X.

THENCE along the common line, S 65°21'36" E, a distance of 161.95 feet to a 5/8-inch-diameter iron rod with pink cap stamped "RPLS 5548" found marking an angle corner of the above reference tract, said 10.00-acre and the northwest corner of said 3.37-acre as described in deed to Diego J. Smith as recorded under Document in Volume 7801, Page 638, D.B.X.C.X.

TUENCE along the common line. S 20°33'05" W, a dirt road of 276.00 feet to a 5/8-inch diameter iron rod with pink cap stamped "BDS 5448" found marking an angle corner of the above reference tract and the southwest corner of the northwest corner a called 2.07-acres as described in deed to Diane T. Smith as recorded under Document In Volume 7581, Page 628, D.R.T.C.T.;

TUENCE along the common line. S 20°33'05" W, a dirt road of 276.00 feet to a 5/8-inch diameter iron rod with pink cap stamped "BDS 5448" found marking an angle corner of the above reference tract and the southwest corner of the northwest corner a called 2.07-acres as described in deed to Diane T. Smith as recorded under Document In Volume 7581, Page 628, D.R.T.C.T.;

THENCE along the common line, S 30°52'05" W, a distance of 326.99 feet to a 5/8-inch-diameter iron rod with pink cap stamped "KPLS 5548" found marking an angle corner of the above reference tract and the southwest corner of said 2.07-acres;

THENCE along the common line, S 30°52'05" W, a distance of 326.99 feet to a 5/8-inch-diameter iron rod with pink cap stamped "KPLS 5548" found marking an angle corner of the above reference tract and the southwest corner of said 2.07-acres;

THENCE along the common line, S 65°24'15" E, a distance of 268.05 feet to a 5/8-inch-diameter iron rod with pink cap stamped "RPLS 5548" found marking an angle corner of the above reference tract, the southeast corner of said 2.07-acres; and the northeast corner of a called 11.365-acres as described in deed to Adreene L. Bracewell as recorded under Document in Volume 9264, Page 911, D.B.T.C.:

THENCE along the common line, S 65°24'15" E, a distance of 268.05 feet to a 5/8-inch-diameter iron rod with pink cap stamped "RPLS 5548" found marking an angle corner of the above reference tract, the southeast corner of said 2.07-acres; and the northeast corner of a called 11.365-acres as described in deed to Adreene L. Bracewell as recorded under Document in Volume 9264, Page 911, D.B.T.C.

THENCE along the common line S 30°52'02" W a distance of 1177.98 feet to a 5/8-inch-diameter iron rod with pink cap stamped "RPI 5548" found marking the southeast corner of the above reference tract, the southwest

THENCE along the common line S 30°52'02" W a distance of 1177.98 feet to a 5/8-inch-diameter iron rod with pink cap stamped "RPL 5548" found marking the southeast corner of the above reference tract, the southwest

THENCE along the common line, S 30° 32' 02" W, a distance of 1177.38 feet to a 3/8-inch diameter iron rod with pink cap stamped "RPS 3348" found marking the southeast corner of the above reference tract, the southwest corner of said 11.365-acres, and a point on the north line of a called 67.943-acres as described in deed to Joseph W. & Bodie L. Winkley as recorded under Document No. 200046598, O.P.R.T.C.T.;

THENCE along the common line, S 30° 32' 02" W, a distance of 1177.38 feet to a 3/8-inch diameter iron rod with pink cap stamped "RPS 3348" found marking the southeast corner of the above reference tract, the southwest corner of said 11.365-acres, and a point on the north line of a called 67.943-acres as described in deed to Joseph W. & Bodie L. Winkley as recorded under Document No. 200046598, O.P.R.T.C.T.;

THENCE along the common line, N 65°40'02" W, a distance of 1341.59 feet to a 1/2-inch-diameter iron rod set stamped "RPLS 4742" found marking the southwest corner of the above reference tract, a point on the north line of a called 90.00-acres as described in deed to George Eckrick & Robert A. Cunningham as recorded under Document No. 2015148058 and 201310442, O.P.R.T.C., and the southeast corner of a 10.00-acre tract as described in deed

THENCE along the common line, N 65°40'02" W, a distance of 1341.59 feet to a 1/2-inch-diameter iron rod set stamped "RPLS 4742" found marking the southwest corner of the above reference tract, a point on the north line of a called 90.00-acres as described in deed to George Eckrick & Robert A. Cunningham as recorded under Document No. 2015148058 and 201310442, O.P.R.T.C., and the southeast corner of a 10.00-acre tract as described in deed

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

THENCE along the common line, N 72°02'30" E, a distance of 1327.89 feet to a 1/2-inch-diameter iron rod set stamped "RPLS 4742" found marking an angle corner of the above reference tract, a point on the east line of a called 10.00-acres as described in deed to Mario Akantara Cano as recorded under Document No. 201611883, O.P.R.T.C.T., and the south corner of said called 11.987-acres;

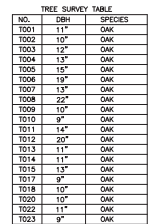
THENCE along the common line, N 72°02'30" E, a distance of 1327.89 feet to a 1/2-inch-diameter iron rod set stamped "RPLS 4742" found marking an angle corner of the above reference tract, a point on the east line of a called 10.00-acres as described in deed to Mario Akantara Cano as recorded under Document No. 201611883, O.P.R.T.C.T., and the south corner of said called 11.987-acres;

THENCE along the common line, S 65°34'27" E, a distance of 733.09 feet to a 1/2-inch-diameter iron rod found marking an angle corner of the above reference tract and said called 11.987-acres;

THENCE along the common line, S 65°34'27" E, a distance of 733.09 feet to a 1/2-inch-diameter iron rod found marking an angle corner of the above reference tract and said called 11.987-acres;

THENCE along the common line, N 26°55'32" E, a distance of 1263.21 feet to the POINT OF BEGINNING, containing according to the dimensions herein stated, an area of 49.93 acres, more or less.

THENCE along the common line, N 26°55'32" E, a distance of 1263.21 feet to the POINT OF BEGINNING, containing according to the dimensions herein stated, an area of 49.93 acres, more or less.



SURVEYORS NOTES:

1. THE BEARINGS SHOWN HEREON ARE ORIENTED TO THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE IN U.S. SURVEY FEET AS DERIVED FROM A GLOBAL POSITIONING SURVEY PERFORMED IN MARCH, 2022.
2. THE VERTICAL DATUM FOR THIS SURVEY WAS BASED UPON NAVD88.

FM 1100 - ELGIN TEXAS
49.93 ACRES
WILLIAM HINES SURVEY
ABSTRACT NO. 53
TRAVIS COUNTY, TEXAS

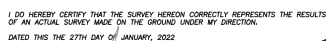
4/4/2022 11:42 AM

EXHIBIT "C"
DEVELOPMENT PLAN
NORTHSIDE MEADOWS PLANNED DEVELOPMENT

A. Applicability and Base Zoning

All aspects regarding the development of this Property shall comply with the City of Elgin Code of Ordinances in effect on (THE EFFECTIVE DATE) except as established in this exhibit, titled **Exhibit "C"**.

All development within the Property will comply with the modified development standards of **Exhibit "C"**. In the case that this exhibit does not address a specific City requirement, the Elgin Code of Ordinances shall apply. In the event of a conflict between this exhibit and the identified base zoning district as defined in the Code of Ordinance on (THE EFFECTIVE DATE), this exhibit shall control.

B. Single Family Residential Lot Design Standards

The development of the Property will not exceed 184 residential units as permitted in the City of Elgin R-3 District. The potential product shall be developed in compliance with Table B.1 Residential Design Standards.

In addition to the design standards outlined in Table B.1, the following standards shall also apply:

1. Residential lot widths shall be measured from the front setback building line as established below.
2. Building height shall be measured as the vertical distance from the front door threshold to the highest point of the roof.

Table B.1 Residential Design Standards	
Lot Width Minimum	60'-0"
Lot Depth Minimum¹	100'-0"
Setbacks	
Front (min.)	15'-0"
Rear (min.)	10'-0"
Garage Setback (min.)	20'-0"
Side (min.)	5'-0"
Corner (min.)	15'-0"
Building Height	35'-0"
Minimum Lot Area	6,000SF

1: Lots along Street "A" shall maintain minimum lot size of 6,000SF

C. Non-Residential Lot Design Standards

The development of the Property will not exceed one (1) commercial, Non-Residential lot. The potential product shall be developed in compliance with Table C.1 Non-Residential Design Standards. The purpose of this lot is to encourage pedestrian walkability to a convenient and accessible location within the planned development that is also accessible from the main entry of the Northside Meadows Planned Development. Persons living in the community and in the surrounding communities may require direct and frequent access. Traffic generated by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods. Allowable uses for this designated commercial lot will be as described in the City of Elgin's C-1 Zoning district.

In addition to the design standards outlined in Table C.1, the following standards shall also apply:

1. Building height shall be measured as the vertical distance from the front door threshold to the highest point of the roof.
2. No article or material stored or offered for sale in connection with uses permitted shall be stored or displayed outside of a building unless it is so screened by permanent ornamental walls, fences or planting that it cannot be seen from adjoining streets or lots when viewed by a person standing on ground level; provided, however, that no screening in excess of seven feet in height shall be required.
3. Buildings shall be provided with a yard area adequate to meet the off-street parking requirements as described under the City of Elgin's code of ordinances.

Table C.1 Non-Residential Design Standards	
Setbacks	
Front (min.)	25'-0"
Rear (min.)	10'-0"
Side (min.)	15'-0"
Building Height	35'-0"

D. Roadway Standards

1. Collector streets shall have a minimum centerline radius of 300 feet (300'-0").
2. Minor streets shall not have a maximum centerline radius.
3. Residential streets may be designed with a six-inch (6") rollover curb consistent with the Typical Cross Section exhibits found on **Exhibit "F"**.
4. The block length requirements per City of Elgin Sec. 36-202 are modified as shown in the Concept Plan for the perimeter blocks of the subdivision and are approved with this agreement. Approved modifications to the Concept Plan that affect block length will also be permitted per this agreement.
5. Sidewalks in front of residential lots will be installed during the installation of the residential landscape on said residential lot
6. Sidewalks along roadways in which there is not a residential lot shall be constructed during installation of associated landscaping. Sidewalks and landscaping shall be installed along

roadways within three years of construction of said roadway.

7. This development shall not be subject to a Traffic Impact Analysis from the City of Elgin. A planned collector is included with the Northside Meadows Subdivision PDD as seen on **Exhibit “B.”** Dedication of the required Right-of-Way (80’-0”) will occur during the subdivision review process. The development will be required to meet any requirements presented by TxDOT.

E. Drainage and Grading

1. Drainage collection facilities may be constructed with a mix of open channel and underground storm sewers. Open channel construction will only be allowed for conveying off-site flows. On-site flows must be conveyed via underground storm sewers. Design criteria shall be as stated in the Construction Standards.
2. All cut and fill land balancing shall be limited to a maximum of twelve feet (12'), except when filling of the existing stock tanks.

F. Signage

The control and placement of all signs is especially important to the aesthetic harmony of the Project. A critical component of a cohesive community is the sense of place and identity.

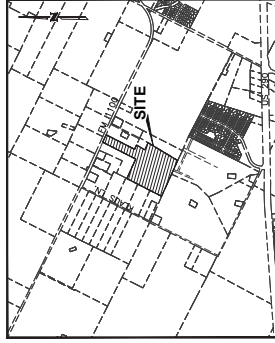
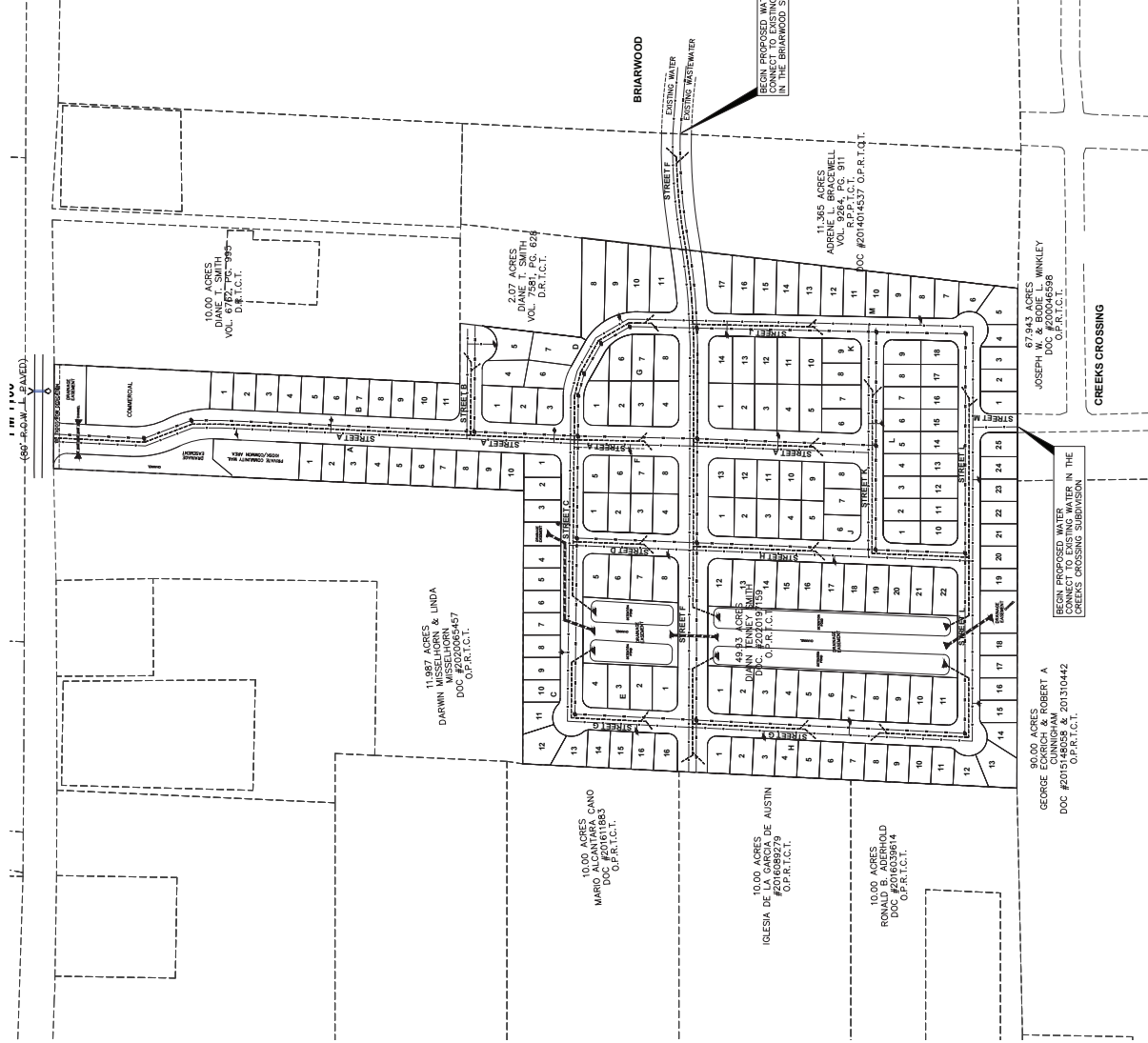
1. Primary Community Entry Signs - Primary community entry signs (total not to exceed two (2)) may be located at each entrance into the Project as seen on **Exhibit “E”** of the Northside Meadows Subdivision Planned Development.
2. Special Secondary Signs - The Directional/Lifestyle Signs category includes a series of signs (total not to exceed six (6)) used to create a strong sense of place and guide people within the Project. These shall be constructed as shown in **Exhibit “E”** of the Northside Meadows Subdivision Planned Development.

G. Sign Lighting

All signs constructed within the Project may be illuminated in order to increase visibility and/or enhance the aesthetics of the sign design. Sign lighting shall adhere to the following standards:

1. Illumination shall be shielded so there is no glare in the public right-of-way and adjacent properties.
2. Illumination may include lighted cabinet, halo lighting, wall wash up-lighting, landscape up lighting, and under cap lighting.
3. Illumination may be white or colored.
4. Illumination must be steady. Flashing, moving, and intermittent lights are prohibited.

EXHIBIT "D" - UTILITY CONCEPT PLAN NORTHSIDE MEADOWS SUBDIVISION



VICINITY MAP
1" = 2,000'

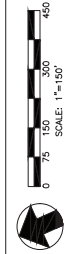
LEGAL DESCRIPTION:

948720 - ABS 345 SUR 53 HINES W ACR 49.83
(1-D-1)

BEGIN PROPOSED WATER & WASTEWATER
CONNECT TO EXISTING WATER & WASTEWATER
IN THE BRIARWOOD SUBDIVISION

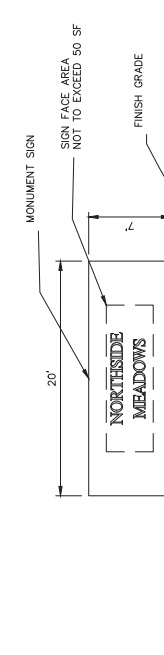
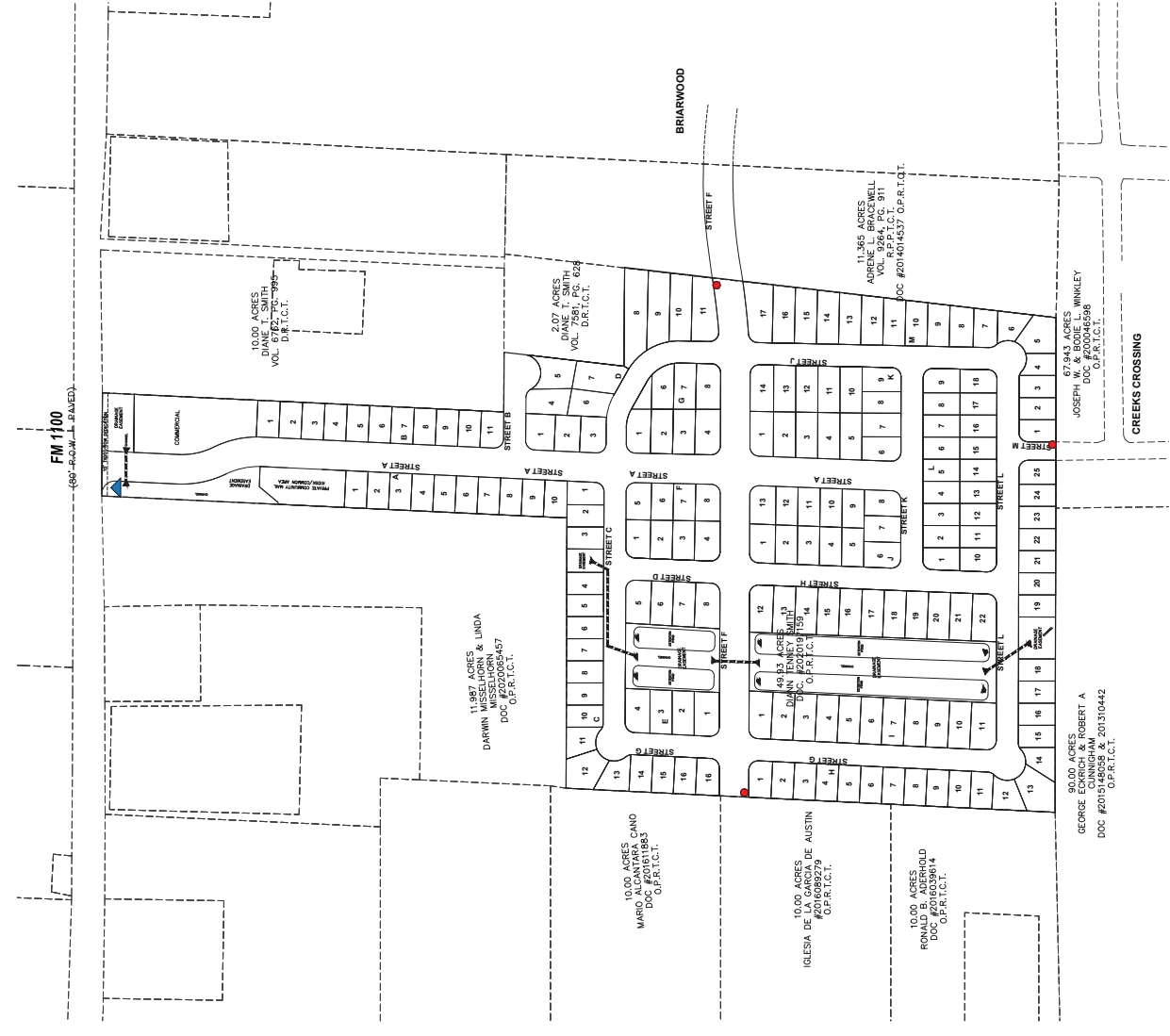
CAUTION:
CONTRACTOR TO VERIFY ALL EXISTING UTILITIES
BEFORE CONSTRUCTION. CONTRACTOR TO NOTIFY THE
ENGINEER IMMEDIATELY OF ANY DISCREPANCIES.



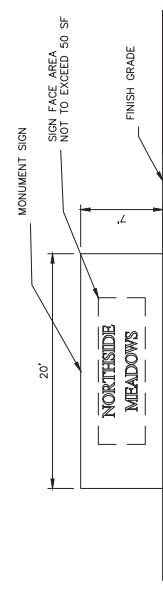


LEGEND

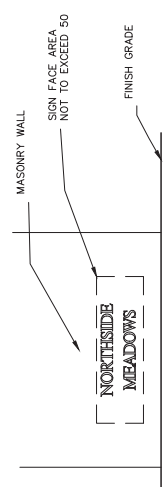
- PRIMARY RESIDENTIAL ENTRY:**
DETAILED LOCATION PLAN TO BE SUBMITTED AT TIME OF SIGN PERMIT APPLICATION, SIGN NOT TO EXCEED INTO PAVEMENT.
- RESIDENTIAL ENTRY:**
DETAILED LOCATION PLAN TO BE SUBMITTED AT TIME OF SIGN PERMIT APPLICATION, SIGN NOT TO EXCEED INTO PAVEMENT.



PRIMARY RESIDENTIAL ENTRY
SCALE: 1" = 5'



OPTION A - MONUMENT SIGN



OPTION B - WALL SIGN
SECONDARY RESIDENTIAL ENTRY
SCALE: 1" = 5'

CAUTION:
CONTRACTOR TO VERIFY ALL EXISTING UTILITIES
VERTICALLY AND HORIZONTALLY PRIOR TO
CONSTRUCTION. CONTRACTOR TO VERIFY THE
POWER LOCATION OF ANY ADJACENT
UTILITIES.



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: AN ORDINANCE ANNEXING ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF ELGIN, TEXAS, TO WIT: BEING A 10.00 ACRES OF LAND TRACT OR PARCEL OF LAND, SITUATED OUT OF THE WILLIAM HENRY MARTIN SURVEY NO. 53, IN TRAVIS COUNTY, TEXAS, INCLUDING ADJACENT RIGHT-OF-WAY, AND BEING FULLY DESCRIBED IN EXHIBIT “A”, ATTACHED HERETO; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

DEPARTMENT: Development Services.

PROPOSED ACTION: Discussion, consideration, and action on an ordinance for a voluntary annexation of 10.00 acres of land located on Travis Co. Appraisal District Parcel #248221.

BACKGROUND: The applicant is requesting voluntary annexation into the City Limits. Currently this parcel of land is located within the City’s Extraterritorial Jurisdiction (ETJ) and is contiguous with the City Limits at the Northshore Meadows development to the East. The parcel consists of vacant land.

BUDGET/FINANCIAL IMPACT:

Funding for this item was {} included {} not included in the current-year budget {} N/A

Finance Approval:

Signature: _____ Date: _____

RECOMMENDATION: Staff recommends approval of this item.

ATTACHMENTS: Ordinance with Exhibit “A”.

{} Staff will be making a detailed presentation on this agenda item at the meeting.

{X} Staff will provide brief comments and answer questions on this item at the meeting.

{} This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

ORDINANCE NO. 2022-11-15-??

AN ORDINANCE ANNEXING ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF ELGIN, TEXAS, TO WIT: BEING A 10.00 ACRES OF LAND TRACT OR PARCEL OF LAND, SITUATED OUT OF THE WILLIAM HENRY MARTIN SURVEY NO. 53, IN TRAVIS COUNTY, TEXAS, INCLUDING ADJACENT RIGHT-OF-WAY, AND BEING FULLY DESCRIBED IN EXHIBIT “A”, ATTACHED HERETO; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

WHEREAS, the City is a duly constituted Home Rule City pursuant to Chapter 9, Local Government Code, as amended, and

WHEREAS, pursuant to Section 43.028, Local Government Code, the owners of a tract of land containing 10.00 acres of land out of the William Henry Martin Survey No. 53, including adjacent right-of-way, (the “Property”) more fully described in Exhibit “A”, have petitioned the City Council in writing to annex the Property, and

WHEREAS, the property is (1) one-half mile or less in width; (2) contiguous to the City; and (3) vacant without residents, or on which less than three (3) qualified voters reside, and

WHEREAS, the City Council has determined that all requirements of Section 43.028. Local Government Code have been complied with and hereby consider it appropriate to grant the petition for annexation, Now Therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ELGIN, TEXAS, THAT:

I.

That all of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in its entirety.

II.

That the City Council has heard arguments for and against the annexation and has determined to grant the petition for annexation.

III.

That the Property described in Exhibit “A”, attached hereto and incorporated herein for all proposes, be and is hereby annexed and brought within the corporate limits of the City of Elgin, Travis County, Texas, and same is hereby made an integral part hereof.

IV.

That the owners and future inhabitants of the area herein annexed be entitled to all the rights and privileges of other citizens and property owners of said City and are hereby bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

V.

That the official map and boundaries of the City, heretofore adopted and amended be and is hereby amended so as to include the aforementioned territory as part of the City of Elgin, Texas.

VI.

That the City Manager is hereby directed and authorized to perform or cause to be performed all acts necessary to correct the official map of the City to add territory hereby annexed as required by law.

VII.

That this Ordinance shall become effective after “passage”.

VIII.

That the City Secretary is hereby directed and authorized to file a certified copy of this Ordinance in the Office of the County Clerk of Travis County, Texas.

IX.

If any section, subsection, sentence, phrase, or word of this Ordinance be found illegal, invalid, or unconstitutional or any portion of said property is incapable of being annexed by the City, for any reason whatsoever, the adjudication shall not affect any other section, subsection, sentence, phrase, word, paragraph, or provision of this Ordinance or the application of any other section, subsection, sentence, phrase, word, paragraph, or provision of any other Ordinance of the City. The City Council declares that it would have adopted the valid portions and applications of this Ordinance and would have annexed the valid property without the invalid part, and to this end the provisions of this Ordinance are declared to be severable.

X.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this Ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as always required by law during which this Ordinance and the subject matter hereof were discussed, considered, and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

By motion duly made, seconded, and passed with an affirmative vote of all the Council members present, the requirement for reading this Ordinance on two separate days was dispensed with.

READ, PASSED, and ADOPTED on first reading this the 15th day of November 2022.

THERESA Y. MCSHAN, Mayor
City of Elgin, Texas

ATTEST:

JENNIFER STUBBS, City Secretary

Exhibit "A"

received
10/12/2022 *JS*

PETITION REQUESTING ANNEXATION TERRITORY IN WHICH THERE ARE FEWER THAN THREE VOTERS

TO THE MAYOR OF THE GOVERNING BODY OF THE CITY OF
ELGIN, TEXAS.

The undersigned owners of the hereinafter described tract of land, which is vacant and without residents, or on which less than three qualified voters reside, hereby petition your Honorable Body to extend the present city limits so as to include as part of the City of Elgin, Texas, the following described territory, to wit:

See Exhibit "A", attached hereto and incorporated herein.
(Here describe territory by metes and bounds.)

Exhibit A

We certify that the above-described tract of land is contiguous and adjacent to the City of Elgin, Texas, is not more than one-half mile in width and that this petition is signed and duly acknowledged by each and every person or corporation having an interest in said land.

Signed: *Marco Cano*

Signed: _____

Signed: _____

THE STATE OF TEXAS
COUNTY OF Bastrop

Before me, the undersigned authority, on this day personally appeared Marco Cano, _____, and _____, known to me to be the persons whose names are subscribed to the foregoing instrument and each acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 12 day of Sept, 2021.

Notary Public, *Esmeralda*

Bastrop County, Texas



EXHIBIT "A"

FIELD NOTE DESCRIPTION
OF A 10.00 ACRE TRACT,
IN THE WILLIAM HINES
SURVEY, NO. 53,
TRAVIS COUNTY, TEXAS

Being a 10.00 acre tract or parcel of land, situated in the William Hines Survey, Number 53, Travis County, Texas, and being all of that certain tract of land called 10.00 acres, as described in a deed to Diann T. Smith, recorded in Volume 13225, Page 1694, Real Property Records of Travis County, Texas, and being more particularly described as follows:

BEGINNING at 1/2" iron rod set on the east right-of-way of Klaus Lane, marking the northwest corner of that certain tract of land called 9.998 acres, as described in a deed to Diann T. Smith, recorded in Volume 13081, Page 1409, Real Property Records of Travis County, Texas, also marking the southwest corner of the said Smith 10.00 acre tract, for the southwest corner hereof;

THENCE, with the east right-of-way of the Klaus Lane, and the west line of the said Smith 9.998 acre tract, N 26° 37' 36" E, 461.71 feet to a 1/2" iron rod found, marking the southwest corner of that certain tract of land called 10.00 acres, as described in a deed to Cherry H. Guerrero, Trustee for the Guerrero Family Trust, recorded in Document No. 2002220520, Official Public Records of Travis County, Texas, said Guerrero tract more described in Volume 13203, Page 1755, Real Property Records of Travis County, Texas, also marking the northwest corner of the said Smith 10.00 acre tract, for the northwest corner hereof;

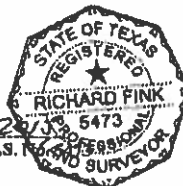
THENCE, with the south line of the said Guerrero tract and the north line of the said Smith 10.00 acre tract, S 65° 38' 27" E, 943.95 feet to a 3/8" iron rod found in a fence on the west line of the remainder of that certain tract of land called 63.987 acres, as described in a deed to James G. Bethke and wife Freidlinde A. Bethke, recorded in Volume 6472, Page 1974, Deed Records of Travis County, Texas, marking the southeast corner of the said Guerrero tract, also marking the northeast corner of the said Smith 10.00 acre tract, for the northeast corner hereof;

THENCE, with the east line of the said Smith 10.00 acre tract, S 26° 59' 36" W, at 57.66 feet, pass a 5/8" iron rod found at a fence corner marking the southwest corner of the said Bethke tract, also marking the most westerly northwest corner of that certain tract of land called 52.00 acres, as described in a deed to Diann Tenney Smith, recorded in Volume 7581, Page 628, Deed Records of Travis County, Texas, for a total distance of 461.85 feet to a 1/2" iron rod found in a fence, on the west line of the said Smith 52.00 acre tract, marking the northeast corner of the said Smith 9.998 acre tract, and the southeast corner of the said Smith 10.00 acre tract, for the southeast corner hereof;

THENCE, with the north line of the said Smith 9.998 acre tract and the south line of the said Smith 10.00 acre tract, N 65° 37' 58" W, 943.67 feet to the **PLACE OF BEGINNING**, and containing 10.00 acres of land in all, more or less.

Bearing Basis are based Texas State Plane Coordinate System, Nad 83, Central Zone.

I, the undersigned, do hereby certify that this description represents an on the ground survey done under my supervision in the month of October, 2015, and that it is true and correct to the best of my knowledge.


Richard Fink
10-30-2015
R.P.L.S. No. 6473


I Mario Cano Alcantara
authorize Petie Bega (512-433-9056)
to represent me on any business with
the City of Elgin concerning 14021
Klaus Lane, Elgin, IL 78621. Please call
Mr. Bega for any ~~future~~ future discussion.

Mario Cano

Oct 12 / 2022

Exhibit "A"



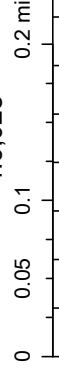
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Elgin City Limits

FULL PURPOSE

Travis Parcels March 2022

1:9,028



Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: AN ORDINANCE ASSIGNING NEWLY ANNEXED PROPERTY TO CITY COUNCIL WARD AREA NO. 2; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

DEPARTMENT: Development Services.

PROPOSED ACTION: Discussion, consideration, and action on an ordinance assigning newly annexed property to City Council Ward Area No. 2; providing for a severability clause and providing an effective date; providing a savings clause and repealing conflicting ordinances and resolutions

BACKGROUND: When a parcel of land is annexed into the City limits, State law requires assignment of the area to an elected representative. The only Council Ward that can be assigned based on location is Ward No. 2.

BUDGET/FINANCIAL IMPACT:

Funding for this item was {} included {} not included in the current-year budget {X} N/A

Finance Approval:

Signature: _____ Date: _____

RECOMMENDATION: Recommend approval of item.

ATTACHMENTS: Ward Assignment Ordinance & Exhibit "A".

- {}** Staff will be making a detailed presentation on this agenda item at the meeting.
- {}** Staff will provide brief comments and answer questions on this item at the meeting.
- {}** This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

ORDINANCE NO. 2022-11-15-??

AN ORDINANCE ASSIGNING NEWLY ANNEXED PROPERTY TO CITY COUNCIL WARD AREA NO. 2; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

WHEREAS, the City of Elgin, Texas is a duly constituted home-rule municipality and, as such, is authorized to unilaterally annex territory subject to the laws of the State of Texas and subject to its Charter; and

WHEREAS, the territory described on Exhibit “A” (the “Property”) attached hereto and made a part hereof by reference for all purposes, was unilaterally annexed by the City of Elgin by Ordinance No. 2022-11-15-_____ on November 15, 2022; and

WHEREAS, the procedures prescribed by the Charter of the City of Elgin and the applicable laws of the State of Texas have been duly followed with respect to the Property; and

WHEREAS, the Property is so situated as to be assigned to City Council Ward Area No. 3; and it is the intention of the City Council to add this parcel to Ward Area No. 2; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS:

I.

That all of the above recitations are found to be true and correct and are incorporated into the body of this Ordinance.

II.

That the Property described in the attached Exhibit “A” is hereby assigned to Council Ward Area No. 2.

III.

That this Ordinance shall become effective after its passage.

IV.

If any section, subsection, sentence, phrase, or word of this Ordinance be found to be illegal, invalid or unconstitutional or if any portion of said property is incapable of being annexed by the City, for any reason whatsoever, the adjudication shall not affect any other section, sentence, phrase, word, paragraph or provision of this Ordinance or the application of any other section, sentence, phrase, word, paragraph or provision of any other ordinance of the City. The City Council declares that it would have adopted the valid portions and applications of this Ordinance without the invalid part, and to this end the provisions of this Ordinance are declared to be severable.

V.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this Ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter thereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

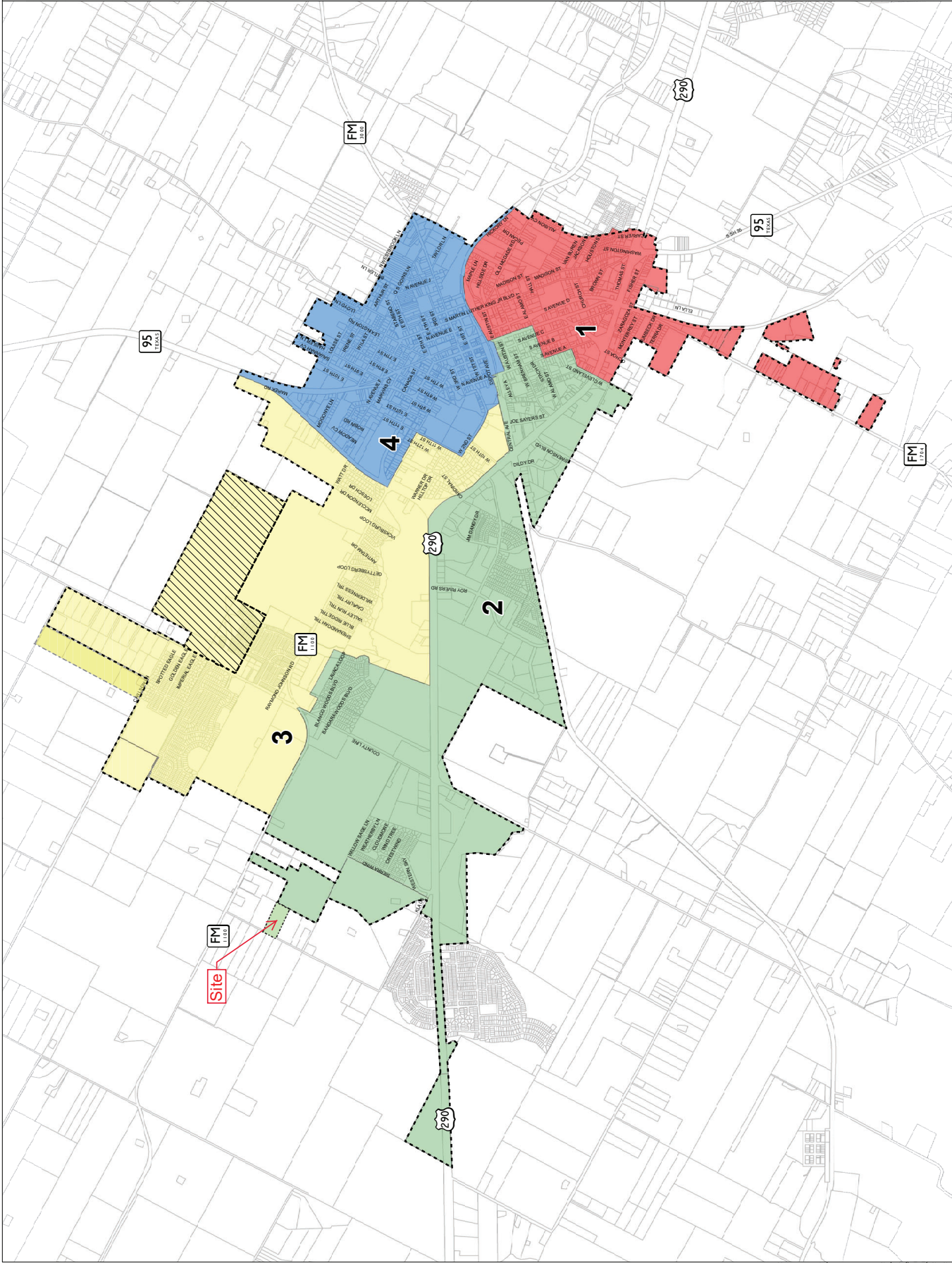
READ, PASSED, and ADOPTED on first reading this 15th day of November 2022.

THERESA Y. MCSHAN, Mayor
City of Elgin, Texas

ATTEST:

JENNIFER STUBBS, City Secretary

Exhibit "A"



WARD MAP

ELGIN, TEXAS

LEGEND

- PARCELS
- FULL PURPOSE CITY LIMITS
- LIMITED PURPOSE CITY LIMITS

WARDS

- 1
- 2
- 3
- 4



0 1,250 2,500 3,750
FEET
1 INCH = 1,250 FEET
July 11, 2022



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Exhibit "A"

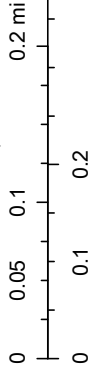


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Travis Parcels March 2022

1:9,028



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Elgin City Council Meeting Agenda Item Executive Summary

ITEM: AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ELGIN, TEXAS ADOPTED IN CHAPTER 46, SECTION 46-3, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, 2013 AND MAKING THIS AMENDMENT A PART OF SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE FROM “R-2” SINGLE FAMILY AND GARAGE APARTMENT DISTRICT TO “C-2” GENERAL COMMERCIAL DISTRICT LOCATED ON A PARCEL OF LAND KNOWN BY THE BASTROP COUNTY APPRAISAL DISTRICT AS PARCEL 12934 (SMITH, J.S., LOT 86, ACRES 0.602) BEING DESCRIBED IN EXHIBIT “A”, ATTACHED HERETO AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

DEPARTMENT: Development Services.

PROPOSED ACTION: Discussion, consideration, and action on an ordinance amending the official zoning map of the City of Elgin, TX adopted in Ch. 46, Sec. 46-3, revised Code of Ordinances, City of Elgin, TX, 2013 and making this amendment a part of said official zoning map (518 S. Ave. D Rezoning from R-2 to C-2).

BACKGROUND: See attached staff report.

BUDGET/FINANCIAL IMPACT:

Funding for this item was ☐ included ☐ not included in the current-year budget ☒ N/A

Finance Approval:

Signature: _____ **Date:** _____

RECOMMENDATION: The Planning & Zoning Commission recommended approval of this item at their October 24, 2022, meeting.

ATTACHMENTS: Staff Report, Application, Staff added Comprehensive Plan Exhibits, Staff added Zoning Map, Ordinance with Exhibit.

☐ Staff will be making a detailed presentation on this agenda item at the meeting.

☒ Staff will provide brief comments and answer questions on this item at the meeting.

☐ This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

Attachment 1

Staff Report



Development Service Department

STAFF REPORT

Rezoning from R-2 to C-2

Project #: 202200122

Date: October 7, 2022

Applicant: Zaherali Noor Charoliya

Representative: SAME

Hearing Dates: Planning & Zoning Commission – October 24, 2022
City Council – November 15, 2022

Location: 518 S. Ave. D (Bastrop Co. Appraisal District Parcel 12934)

APPLICATION SUMMARY

Recommendation by the Planning & Zoning Commission and consideration by the City Council of a rezoning consisting of 0.686 acres of land located along the eastside of FM 1704 near an existing convenience store (a change to the official zoning map). The proposal is to change the zoning from R-2 Single Family and Garage Apartment District to C-2 General Commercial District.

DEPARTMENT COMMENTS

Presently the site has a single-family home on it. The owner of the parcel is the owner of the convenience store to the south and their intention is to develop a parking lot to expand parking for the convenience store (see attachment 1). If the rezoning is granted, then the applicant has indicated they will demolish the home to expand the parking lot.

STAFF ANALYSIS

In review of the Elgin Comprehensive Plan the parcel is located within the Elgin Main St. Land Use category. This categories' primary land usage is commercial retail and office (see attachment 2) according to the provided map and associated land use language. The proposed zoning category will allow for commercial as a use by right. When seeking a rezoning, the Commission/Council should consider the uses that could occur on the land by rezoning to another zoning category. There are many additional commercial uses and a subtraction of residential related uses.

See next page.

R-2 District (existing)	C-2 District (proposed)
Accessory uses, which shall include the following where the primary use is residential: Customary home occupations, if done inside of building, such as dressmaking, babysitting, seamstress, tailoring, millinery, tutoring, when engaged in by members of the resident family and employing not more than one person, not a member of the resident family, but not including beauty culture, barbering or appliance repairing.	Accessory buildings and uses customarily incidental.
Detached single-family dwelling.	Ambulance service, office, or garage.
Churches, but not including revival tents or arbors.	Antique Shop
Public school offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping.	Amusement enterprises
Public park and playground.	Applicant Shop
Library.	Arts School, gallery, or museum
Growing of farm products.	Artist's materials, supply studio.
Municipal use	Automobile parking lot.
Telephone exchanges.	Automobile retail gasoline service station
Home occupations.	Baby shop.
Transportation and utility easements, alleys and rights-of-way	Bakery goods store.
Garage apartment	Bank.
Duplex	Barbershop.
	Beauty shop.
	Billiard Hall
	Boat sales.
	Book or stationery store & Camera shop.
	Bus terminal
	Candy store.
	Cafe.
	Catering establishment.
	Cleaning, pressing, laundry collection agency.
	Clothing or apparel store.
	Commercial school or hall.
	Curio or gift shop.
	Department store.
	Drug store or fountain.
	Dry goods store.
	Dairy products or ice cream store.
	Delicatessen.

R-2 District (existing)	C-2 District (proposed)
	Dress shop.
	Feed and fuel store.
	Florist shop, greenhouse, nursery.
	Frozen food locker.
	Furniture repair and upholstery.
	Furniture store.
	Funeral parlor or mortuary.
	Golf course, miniature or practice range.
	Grocery store or supermarket.
	Hardware store.
	Heating, ventilating or plumbing supplies, sales and service.
	Hospital for small animals.
	Hotel.
	Ice storage locker plant, or storage house for food.
	Interior decorating store.
	Jewelry or notion store.
	Key shop.
	Laboratories, testing and experimental.
	Laundry.
	Leather goods shop.
	Lodge hall.
	Meat market.
	Medical facility.
	Messenger or telegraph service.
	Musical instrument sales.
	Newspaper or magazine sales.
	Novelty club.
	Nursery or garden supply store.
	Office business.
	Optometrists' sales and service.
	Pawn shop.
	Pet shop.
	Photographer studio.
	Pharmacy.
	Printing plant.
	Radio and television sales and service.
	Recreation center.
	Research laboratories.
	Restaurant.
	Sale of beer for off-premises consumption.
	Self-service laundry or dry cleaning.
	Sewing machine sales, instruction.
	Shoe repair shop.
	Sign painting shop.
	Sporting goods sales.
	Stocks and bonds broker.

R-2 District (existing)	C-2 District (proposed)
	Storage warehouse.
	Tailor shop.
	Theater.
	Travel store.
	Travel trailer park.
	Toy store.
	Variety store.
	Used automobile sales.
	Wholesale distributing center.

Below is a list of zoning standards for each zoning category, changes are highlighted in yellow between zoning categories:

	R-2 (exist. zoning)	C-2 (proposed zoning)
Height	2.5 stories or 35 feet	50 feet.
Front Setback	25 feet; garage at 25 feet	0 feet.
Side Setback	7.5 feet for 1 story; 10 feet for more than 1 story	10 feet
Rear Setback	10 feet	10 feet
Lot Width	60 feet	0 feet
Lot Area	7,500 sq. ft.	0 sq. ft.
Impervious Cover on Lot	45% interior; 50% corner	0%

With the addition of many different uses there is a possibility these uses could be added in the future. However due to the lot size itself many of the potential negative uses such as an amusement enterprise, automobile retail service station, department store, grocery store, & travel store could not go to this site. Many of the uses in the C-2 zoning category would be a compliment to the Elgin Main St. Land Use. Also, the zoning will match the neighboring zoning to the south and the area has industrial zoning across the street (see attachment 3) which is more intense than a commercial zoning.

Based on the information within the packet, staff has no issues or concerns regarding the proposal.

ATTACHMENTS

Additional information is provided through attached exhibits.

1. Application
2. Staff Added Comprehensive Plan Exhibit 4.4
3. Staff Added Zoning Map
4. Ordinance with Exhibit

Attachment 2

Application

NON-PDD REZONING APPLICATION

Date: 08/24/2022

SITE INFORMATION

Project Address: 518 S Avenue D Elgin Tx 78621

Parcel Identification Number (if no address): _____

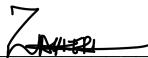
APPLICANT

Name: Zaherali Noor Charoliya

Postal Address: 4617 Port Bari Dr Leander Tx 78641

E-Mail Address: charoliyasaifali@gmail.com; Phone Number: 512-363-7627

The information given on this application is accurate to the best of my knowledge. All provisions of laws and ordinances governing this work will be complied with, whether specified on this application or not.

<u></u>	<u>Zaherali Noor Charoliya</u>	<u>08/24/2022</u>
Signature	Printed Name	Date

Project Description:

1. Demolition Of the existing single story residence
- 2.To build a Concrete Parking lot to extend parking for Mi Celine Mercado. The current parking lot is not enough the amount of clients we serve.
3. Entrance and exit for the 518 S Avenue D from northwest facing drive.
- 4.Zoning category: C-2
- _____
- _____
- _____



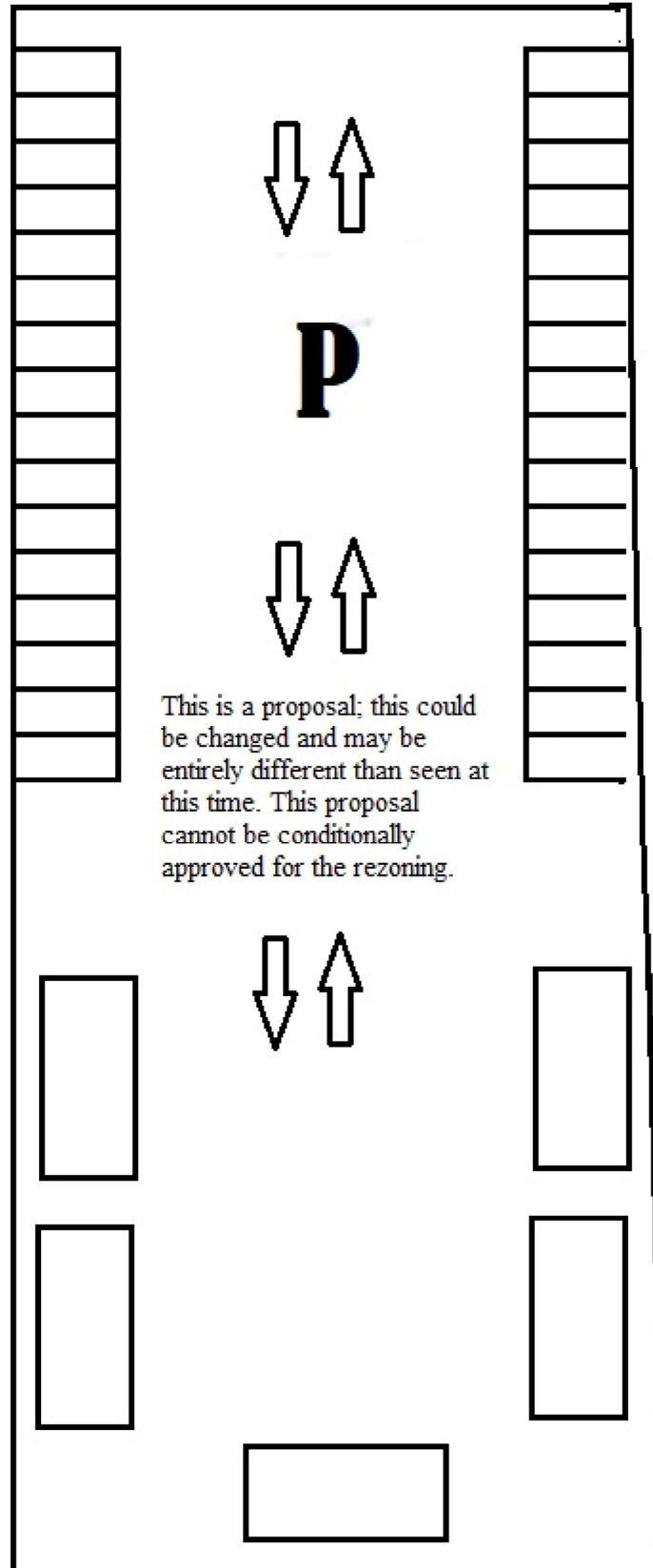
802 N. Ave. C
P.O. Box 591
Elgin, Texas, 78621



(512) 281-0119



www.elgintx.com



Attachment 3

Staff Added Comprehensive Plan Exhibits



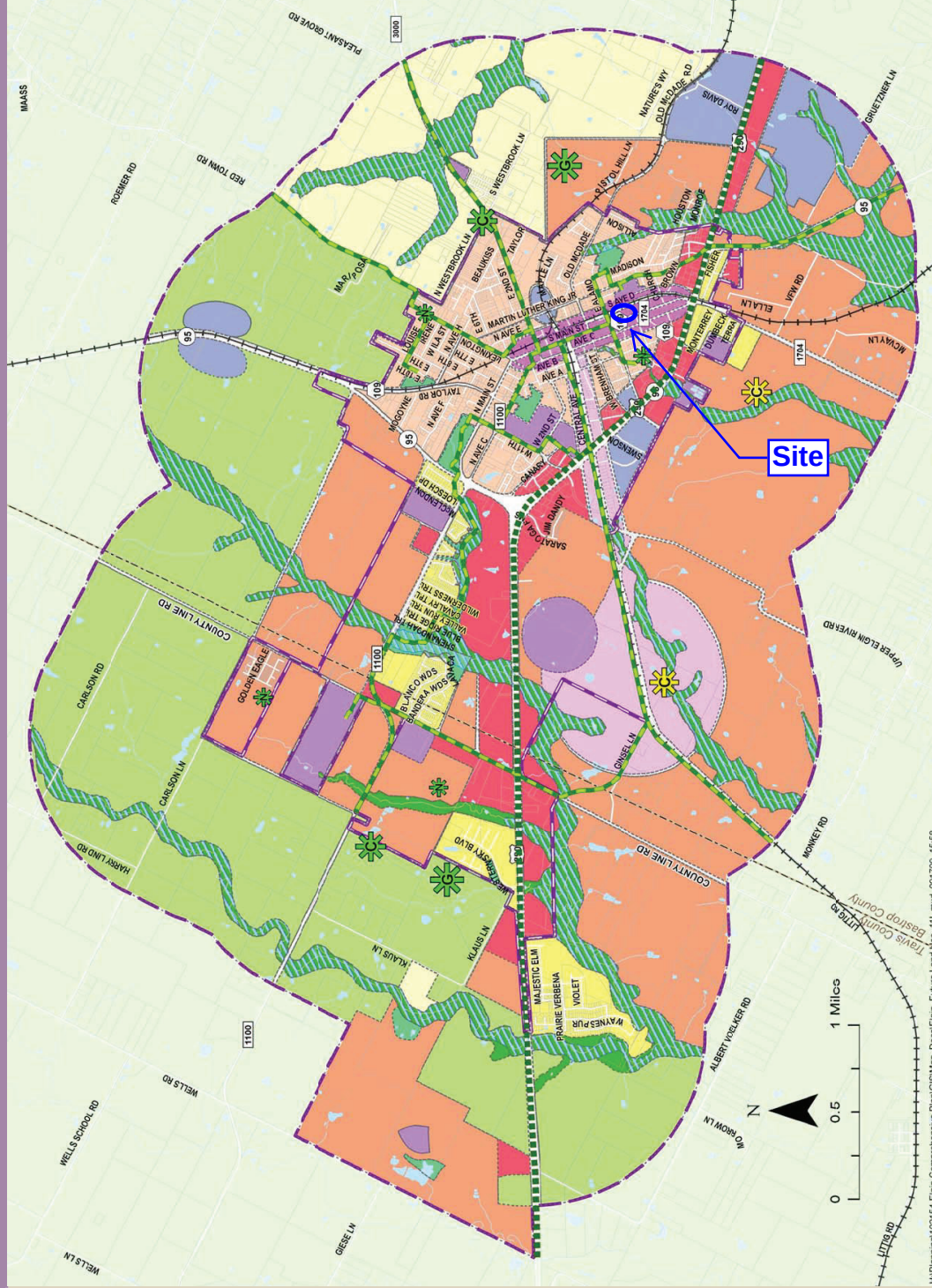
Exhibit 4.4: Future Land Use and Development Plan

- Parcel Boundary
- Elgin City Limits
- Elgin Planning Area

Future Land Use

- Natural Area
- Agriculture
- Low Density Residential
- Existing Single-Family Residential
- Traditional Neighborhood Residential
- Central Elgin Neighborhoods
- Mixed Use
- Main Street Elgin
- Commercial
- Light Industrial
- Institutional
- Parks and Recreation
- 100-Year Flood Plain
- Proposed Park from Parks Master Plan
- Proposed Park from WSA
- Proposed Trail from Parks Master Plan
- US 290 Corridor Greenscaping

Note: A Comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.



H:\Planning\102154-Elgin Comprehensive Plan\GIS\Map_Docs\Elgin_Future Land Use_11L.mxd 09/17/09 15:58
Source: Wilbur Smith Associates, Inc., 2009.



Main Street

General Description: As the heart of Elgin and the community's historic town center, the Main Street area is an important district to preserve and revitalize as Elgin develops. Many of the buildings along Main Street were constructed with local Elgin brick from the late 1800s to the mid 1900s, and as a result, are a true representation of Elgin's local history. This area continues to be a center for retail, business, local government, community festivals, and art. It is an area that Elgin residents treasure and many community members have worked to preserve and promote through efforts such as the Main Street Program, the Historic Review Board, and Elgin Art Walks.

Transect Zone: Urban Center (T5)

Primary Land Use: Commercial retail and office

Supporting Land Uses: Multi-family residential (apartments and condos typically above retail storefronts), single family residential, public, semi-public, light industrial, and industrial.

Residential Densities: Approximately 7 units per acre.

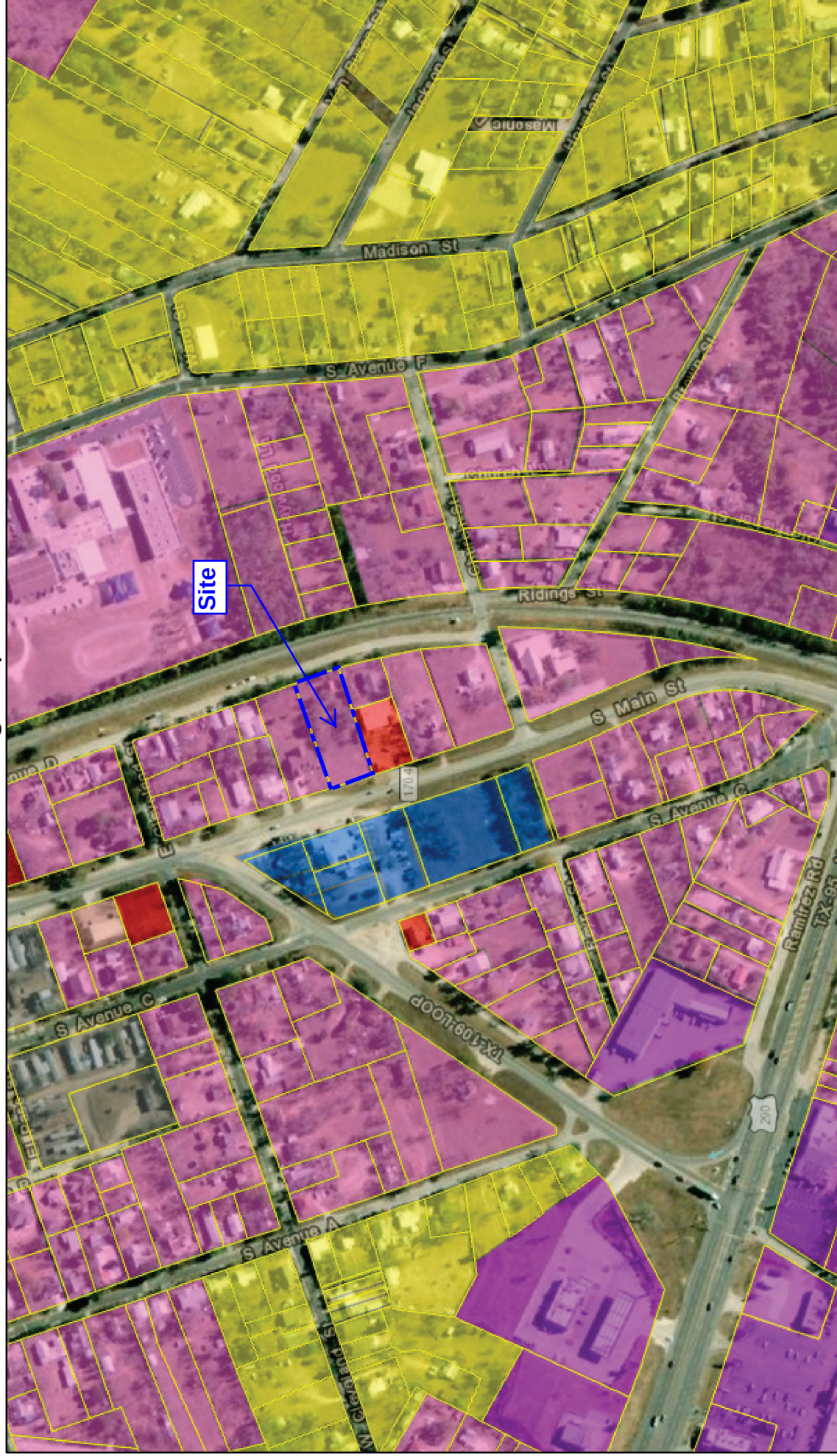
Form and Character: The core of Historic Main Street is mainly comprised of historic two-story brick buildings built between 1872 and 1947. Many of these buildings support an integrated mix of retail, office, and residential uses in a walkable environment. The official Main Street Historic District is subject to design guidelines that aim to maintain the historic integrity of the district. As such, all development and restoration should conform to the design standards. Areas immediately surrounding the District may not be subject to the specific design guidelines, but should be developed with sensitivity to the surrounding context. Infill development should be encouraged in the area to attract additional residents to support Main Street businesses. Additionally, Main Street should remain a focus for promoting small-scale retail, restaurant, entertainment, and arts venues to provide a draw for Elgin residents as well as visitors.

Parks and Open Space: Open space is primarily provided in small pocket parks and plazas such as Veterans' Memorial Park. Additional streetscaping and landscaping should be encouraged along public frontages with bike and pedestrian connections to surrounding areas.



Attachment 4
Staff Added Zoning Map

Zoning Map

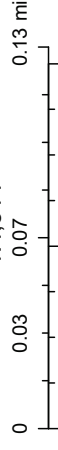


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Zoning

- C1 - Neighborhood Shopping District
- C2 - General Commercial District
- C3 - Highway Commercial District
- I - General Industrial District
- R2 - Single Family & Garage Apartment District
- R3 - Single Family/Two Family/Industrialized Housing District
- <all other values>

1:4,514



Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Attachment 5
Ordinance with Exhibit

ORDINANCE NO. 2022-11-15-??

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ELGIN, TEXAS ADOPTED IN CHAPTER 46, SECTION 46-3, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, 2013 AND MAKING THIS AMENDMENT A PART OF SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE FROM “R-2” SINGLE FAMILY AND GARAGE APARTMENT DISTRICT TO “C-2” GENERAL COMMERCIAL DISTRICT LOCATED ON A PARCEL OF LAND KNOWN BY THE BASTROP COUNTY APPRAISAL DISTRICT AS PARCEL 12934 (SMITH, J.S., LOT 86, ACRES 0.602) BEING DESCRIBED IN EXHIBIT “A”, ATTACHED HERETO AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

WHEREAS, an application has been made to the City Council of Elgin, Texas to amend the Official Zoning Map to rezone the property described in Exhibit "A" attached hereto and incorporated herein, from R-2 Single Family and Garage Apartment District to C-2 General Commercial District, and

WHEREAS, the City Council has submitted the requested change in the Official Zoning Map to the Planning and Zoning Commission for its recommendation and report, and

WHEREAS, the Planning and Zoning Commission held a public hearing concerning the requested change on October 24, 2022, following lawful publication of the notice of said public hearing, and

WHEREAS, after considering the public testimony received at such hearing, the Planning and Zoning Commission has recommended that the Official Zoning Map be amended so that the zoning classification of the property described in Exhibit "A" is C-2 General Commercial District, and

WHEREAS, on November 15, 2022, after proper notification, the City Council held a public hearing on the requested zoning, and

WHEREAS, the City Council determines that the zoning provided for herein promote the health, safety, morals, and protects and preserves the general welfare of the community, and

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A, Texas Local Government Code, and Chapter 46, City of Elgin Ordinances, concerning public notices, hearings, and other procedural matters has been fully complied with, Now Therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ELGIN, TEXAS, THAT:

I.

The Official Zoning Map adopted in Chapter 46, Section 46-3, City of Elgin, Texas is hereby amended so that the zoning classification of the property described in Exhibit "A" is rezoned from R-2 Single Family and Garage District to C-2 General Commercial District.

II.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this Ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

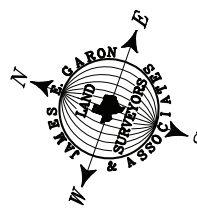
READ, PASSED, and ADOPTED on first reading this the 15th day of November 2022.

THERESA Y MCSHAN, Mayor
City of Elgin, Texas

ATTEST:

JENNIFER STUBBS, City Secretary

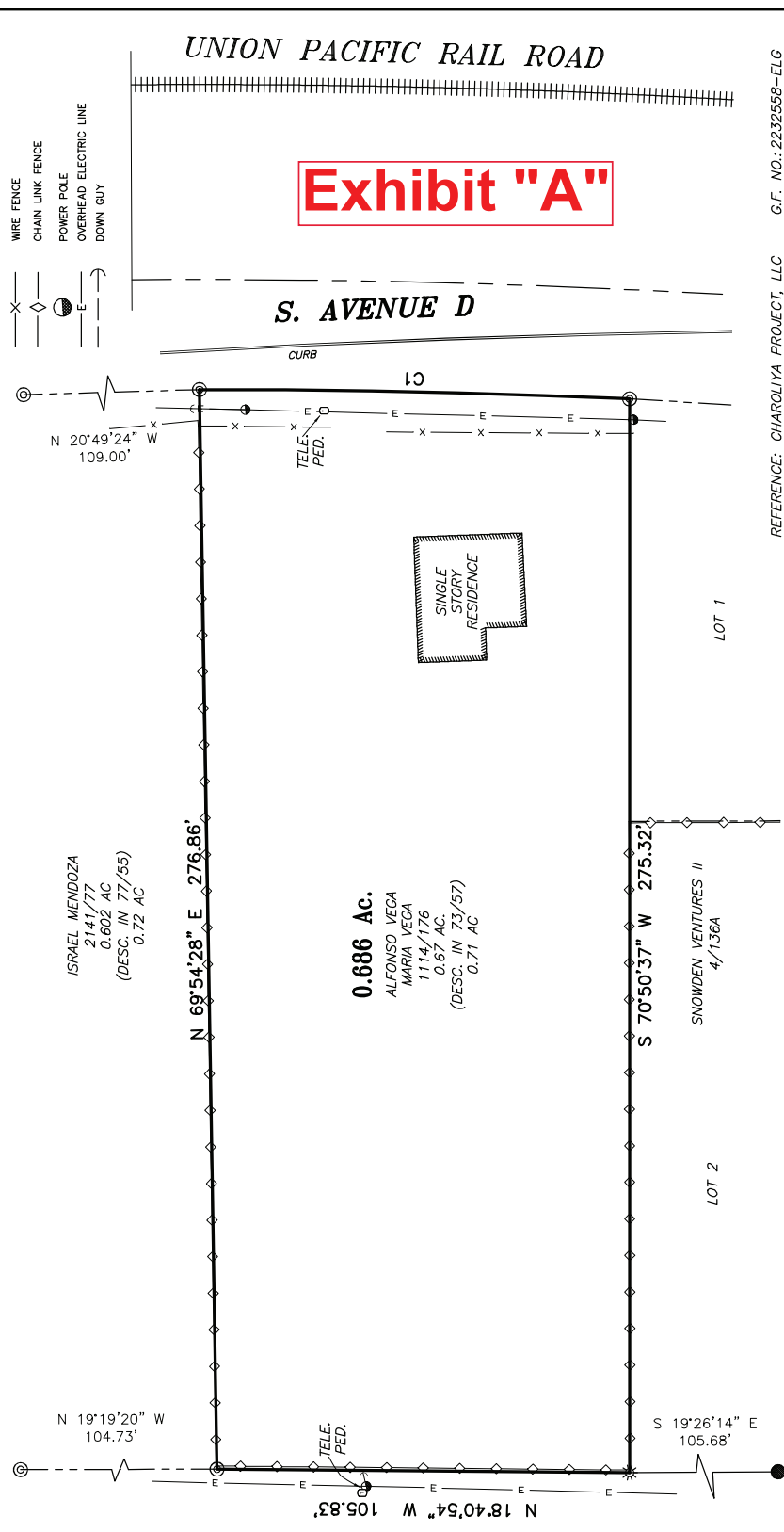
BEARINGS SHOWN ARE GRID NORTH BASED ON
GPS OBSERVATIONS FOR TEXAS STATE PLANE
COORDINATE SYSTEM "CENTRAL ZONE" NAD83.



CURVE TABLE			
CURVE	ARC	RADIUS	CHORD
C1	110.39'	2371.00'	110.38'

LEGEND

- 1/2" REBAR FOUND (UNLESS NOTED)
- IRON ROD W/CAP FOUND
- COTTON SPINDLE FOUND
- WIRE FENCE
- CHAIN LINK FENCE
- POWER POLE
- OVERHEAD ELECTRIC LINE
- DOWN GUY

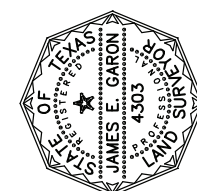


S. MAIN STREET

S. AVENUE D

UNION PACIFIC RAIL ROAD

Exhibit "A"



James E. Garon

JULY 27, 2022

TO THE OWNERS, LIEN HOLDERS AND INDEPENDENCE TITLE COMPANY

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY DESCRIBED HEREON AND IS CORRECT, AND THAT THERE ARE NO DISCREPANCIES, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, EXCEPT AS SHOWN HEREON, AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY, EXCEPT AS SHOWN HEREON.

THE UNDERSIGNED DOES FURTHER CERTIFY THAT THE PROPERTY DESCRIBED HEREON IS LOCATED IN ZONE "X" AND IS NOT WITHIN A 100-YEAR FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, PANEL NO. 48021C0100E EFFECTIVE JANUARY 19, 2006.

© 2022 All Rights Reserved by James E. Garon & Associates
Use of this survey for any purposes other than this transaction is prohibited

REFERENCE: CHAROLYA PROJECT, LLC G.F. NO.: 2232558-ELG
ADDRESS: 518 S. AVENUE D, ELGIN, TEXAS.
LEGAL DESCRIPTION: 0.686 ACRE; BEING A PORTION OF THE J.S. SMITH ADDITION, MAP OR PLAT RECORDED IN CABINET 1, PAGE 100B, P.R.B.C.T.; ALSO BEING IN THE JONATHAN BURLESON SURVEY, ABSTRACT 18, BASTROP COUNTY, TEXAS.

FIELD BOOK: B-687/44
FILE: S:\Countries\Bastrop\City of Elgin\J.S. Smith Add\60722.dwg



JAMES E. GARON & ASSOC.
PROFESSIONAL LAND SURVEYORS & CIVIL ENGINEERS
Firm Reg. #10058400 & F-20386
185 McAllister Road
Bastrop, Texas 78602
(512) 303-4185
jgaron@austin.rr.com
www.jamesegarson.com

[illegible]

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☐ Abstracts ----- Lot Lines

 Parcels

 Bastrop Roads

1:1,128

Distance	0	0.01	0.01	0.03 mi
Time, h	0	0.01	0.01	0.03

0 0.01 0.03 0.05 km

© OpenStreetMap (and) contributors, CC-BY-SA

Disclaimer: This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries.

Bastrop County Appraisal District, BIS Consulting - www.bisconsulting.com



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: AN ORDINANCE AMENDING CHAPTER 32 SIGNS, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS AND MODIFYING SECTION 32-3, SECTION 32-57, SECTION 32-103, SECTION 32-127, SECTION 32-164, SECTION 32-167, SECTIONS 32-193, SECTION 32-194, SECTIONS 32-215 THRU 32-221, SECTION 32-225, SECTION 32-267, SECTION 32-298, SECTIONS 32-319 THRU 32-320, SECTION 32-322, SECTION 32-325, & SECTION 32-331 & ADDITION IN ITS ENTIRETY OF SECTION 32-170. REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR A SAVINGS CLAUSE.

DEPARTMENT: Development Services.

PROPOSED ACTION: Discussion, consideration, and action on an ordinance amending Chapter 32 (Signs), City Code.

BACKGROUND: See attached staff report.

BUDGET/FINANCIAL IMPACT:

Funding for this item was {} included {} not included in the current-year budget {} N/A

Finance Approval:

Signature: _____ **Date:** _____

RECOMMENDATION: Staff recommends approval.

ATTACHMENTS: Staff Report & Ordinance with Exhibit.

{} Staff will be making a detailed presentation on this agenda item at the meeting.

{X} Staff will provide brief comments and answer questions on this item at the meeting.

{} This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

ORDINANCE NO. 2022-11-15-??

AN ORDINANCE AMENDING CHAPTER 32 SIGNS, REVISED CODE OF ORDINANCES, CITY OF ELGIN, TEXAS AND MODIFYING SECTION 32-3, SECTION 32-57, SECTION 32-103, SECTION 32-127, SECTION 32-164, SECTION 32-167, SECTIONS 32-193, SECTION 32-194, SECTIONS 32-215 THRU 32-221, SECTION 32-225, SECTION 32-267, SECTION 32-298, SECTIONS 32-319 THRU 32-320, SECTION 32-322, SECTION 32-325, & SECTION 32-331 & ADDITION IN ITS ENTIRETY OF SECTION 32-170. REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR A SAVINGS CLAUSE.

WHEREAS, the City Council of Elgin, Texas (“City Council”) desires to update certain regulations regarding signage regulations; and

WHEREAS, City staff has determined that the proposed amendments provide an updating of signage regulations to address concerns and issues; and

WHEREAS, City staff has posted proper notice and conducted public hearings in accordance with state law; and

WHEREAS, City Council finds that the proposed amendments are in the best interests of the City and its residents.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ELGIN, TEXAS:

I.

That Chapter 32, revised Code of Ordinances, City of Elgin, Texas, is hereby amended as shown in Exhibit “A”. As shown on Exhibit “A”, which modifies Section 32-3, Section 32-57, Section 32-103, Section 32-127, Section 32-164, Section 32-167, Sections 32-193, Section 32-194, Sections 32-215 Thru 32-221, Section 32-225, Section 32-267, Section 32-298, Sections 32-319 thru 32-320, Section 32-322, Section 32-325, & Section 32-331 & adds In Its Entirety Section 32-170

II.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this Ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

READ, PASSED, and ADOPTED on first (1st) reading this the 15th day of November, 2022.

THERESA Y. MCSHAN, Mayor
City of Elgin, Texas

ATTEST:

JENNIFER STUBBS, City Secretary

EXHIBIT A

Amendments to Chapter 36 of the Elgin Code of Ordinances are shown in **red underline or red strikethrough**. Only the text in **red underline or red strikethrough**, shall change.

Chapter 32 SIGNS

ARTICLE I. IN GENERAL

Sec. 32-1. Title and purpose.

- (a) *Title.* This chapter is set forth to establish regulations and standards for the construction, maintenance, and removal of signs. This chapter shall also be known as the "Sign Ordinance."
- (b) *Purpose and intent.*
 - (1) Signs constitute a separate and distinct use of the land upon which they are placed and affect the use of adjacent streets, sidewalks and property.
 - (2) The provisions of this chapter are made to establish reasonable and impartial regulations for all exterior signs and to:
 - a. Further the objectives of the comprehensive plan of the city;
 - b. Protect the general public health, safety, convenience and welfare;
 - c. Reduce traffic hazards caused by unregulated signs which may distract, confuse and impair the visibility of motorists and pedestrians;
 - d. Ensure the effectiveness of public traffic signs and signals;
 - e. Protect the public investment in streets, highways and other public improvements;
 - f. Facilitate the creation of an attractive and harmonious community;
 - g. Protect property values and to further economic development.

Sec. 32-2. Applicability.

These sign regulations shall apply to all exterior signs within the city limits and its extraterritorial jurisdiction.

Sec. 32-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator means the designated government official whose responsibility it is to administer the provisions of this chapter. These activities may include, but are not limited to, reviewing applications for sign permits, corresponding and/or meeting with applicants, issuing and denying sign permits, inspecting signs and interpreting and enforcing the provisions of this chapter.

Awning means any nonrigid material such as fabric or flexible plastic that is supported by or stretched over a frame that is attached to an exterior wall.

Awning sign means a sign placed directly on the surface of an awning.

Banner means a sign that is mounted on or attached to a nonrigid surface such as cloth, fabric or paper.

Billboard. See *Off-premises sign*.

Bulletin board sign means a particular type of changeable copy sign that displays copy in a casement made of glass or plexiglass.

Canopy means an extension of the roof of a building or a freestanding structure that has a roof with support, but no walls.

Canopy sign means a sign attached to a canopy.

Changeable copy sign means a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign.

Copy means the characters, letters or illustrations displayed on a sign face.

Directional sign means a sign that provides on-site directional assistance for the convenience of the public such as location of exits, entrances and parking lots.

Directory sign means a sign which displays the names and/or addresses of the establishments or uses of a building or group of buildings.

Door sign means any sign painted on, or applied directly to, any door of a building.

Feather sign means a sign that is shaped like a feather, these signs are typically on a single staff and are designed to flap in the wind.

Freestanding sign means the general term for any on-site sign which is supported from the ground and not attached to a building.

Frontage, building, means the length of a building that faces a street, parking area or private drive.

Frontage, lot, means the length of that part of a ~~zoning~~ lot that fronts a public street.

Illegal sign means a sign that was constructed in violation of regulations that existed at the time it was built.

Illuminated sign means a sign illuminated in any manner by an artificial light source, whether internally or externally lit.

Marquee means a permanent structure other than a roof attached to, supported by, and projecting from a building and providing protection from natural elements.

Marquee sign means a sign attached to and made part of a marquee or any other similar projection from a building.

Master sign plan means a sign plan that may be submitted for a nonresidential development in commercial and industrial districts for tracts larger than ten (10) acres as part of a required site plan submission, a building addition to an existing site or a revision to an approved site plan. The term "master sign plan" includes all proposed signs and sign locations for the entire nonresidential development. A master sign plan shall be approved by the city council at a regularly scheduled meeting.

Monument sign means a freestanding sign with a base affixed to the ground which measures at least two-thirds the length of the sign.

Nonconforming sign.

- (1) The term "nonconforming sign" means a sign that met all legal requirements when constructed but that is not in compliance with this chapter.
- (2) The term "nonconforming sign" does not mean an illegal sign.

Off-premises sign means any sign which is not located on the premises that it identifies or advertises.

Pole sign means a freestanding sign ~~with a base at least seven feet above the ground~~ which is supported from the ground by a pole or a similar support structure of narrow width.

Portable sign means a sign that is not permanently affixed to a building, structure or the ground or designed to be permanently affixed to a building, structure or the ground.

Projecting sign means a sign which is supported by an exterior wall of a building and which is displayed perpendicular to the face of the building.

~~*Shopping center* means any lot with five or more establishments.~~

Sight ~~distance-visibility~~ triangle means the land adjoining a street intersection that is kept clear of obstructions between three (3) and seven (7) feet above ground to protect the visibility and safety of motorists and pedestrians. ~~The protected sight distance area is the triangle with legs that are the intersecting flowlines of two (2) streets at an intersection. Where local streets meet, the legs shall extend thirty five (35) feet away from the intersection of the flowlines. Where collector or arterial streets meet, the legs shall extend forty five (45) feet away from the intersection of the flowlines.~~

Sign means any device situated outdoors that displays letters, characters or graphics to identify a land use or attract the public's attention. The term "Sign " for regulatory purposes shall not include the following objects: graveyard and cemetery markers visible from a public area; vending machines or express mail drop-off boxes visible from a public area, not including any Sign extending outside or above the vending machine or express mail drop-off box; decorations that do not constitute advertising visible from a public area; artwork that does not constitute advertising or a building's architectural features visible from a public area; a manufacturer's or seller's markings on machinery or equipment visible from a public area; official public notices and court markers required by federal, state, or local regulation; newspapers, leaflets or books intended for individual distribution to members of the public; and attire that is being worn, badges, and similar personal gear. The foregoing are not Signs for purposes of these regulations.

Storefront means any business which occupies a ground floor area of a building with an entrance and display area located at the front of a building.

Temporary sign means a sign that is displayed only for a specified period of time.

Wall sign means a sign painted on or attached to a wall of a building and parallel to the wall.

Window sign means any sign painted on, or applied directly to, any window of a building.

Wireless communication facility (WCF) identification sign means a sign identifying each service provider for the operation and maintenance of a WCF placed on-site of the facility and easily read from the outside of the perimeter of the WCF. It only provides the name, address, and emergency telephone number of the responsible service provider. Other signage as required by the Federal Communications Commission (FCC) shall be included in this definition.

Secs. 32-4—32-24. Reserved.

ARTICLE II. ADMINISTRATION

DIVISION 1. GENERALLY

Sec. 32-25. Administrator.

The administrator shall have the responsibility and full authority to administer and enforce all provisions of this chapter, other than those provisions specifically reserved for the authority of the board of adjustment.

Secs. 32-26—32-53. Reserved.

DIVISION 2. PERMIT PROCEDURES

Sec. 32-54. Permit required.

No sign or sign structure, except as provided in sections 32-103, exempt signs, and article VI of this chapter, nonconforming signs, shall be erected, displayed, altered, relocated, or replaced until a sign permit has been issued. For the purposes of this chapter, all signs are considered accessory uses of real property and shall be located on the premises of the principal use to which they pertain.

Sec. 32-55. Permit application.

Applications for sign permits shall be submitted on a form provided by the administrator and shall contain or have attached at a minimum the following information in either written or graphic form:

- (1) Application date.
- (2) Name, address and telephone number of the sign owner and, if different, the owner of the land on which the sign will be erected.
- (3) Address of the property where the sign or sign structure will be erected.
- (4) Signature of the sign owner and, if different, the owner of the land on which the sign will be displayed.
- (5) Location of the sign on the property in relation to lot lines, buildings, sidewalks, streets, public rights-of-way and intersections.
- (6) Type of sign (e.g., monument, wall) and general description of structural design and construction materials.
- (7) Drawings of the proposed sign which shall contain specifications indicating height, perimeter and area dimensions, means of support, method of illumination, if any, and any other significant aspect of the proposed sign.
- (8) Any other information requested by the administrator in order to carry out the purpose and intent of this chapter.

Sec. 32-56. Permit review, issuance and recording.

The administrator shall examine all sign permit applications. Permit applicants shall be issued a copy of the original permit application with approval and approval date noted for all signs which conform to the requirements of this chapter. Such approved applications shall serve as sign permits. The administrator shall maintain a record of all sign permit applications with notations of approval or disapproval. All sign permits shall be dated and numbered in the order of their issuance. Within ten (10) work days of receiving an application for a sign permit the administrator shall review it for completeness. If it is found to be complete, the application shall be processed. If it is found to be incomplete, the administrator shall, within such ten (10) day period, send to the applicant a notice of the specific ways in which the application is deficient, with the appropriate references to the applicable sections of this chapter.

Sec. 32-57. Inspections.

~~A final inspection, as noted by the City, by the administrator or his designee~~ shall be completed for after ~~installation of~~ all approved signs. Any discrepancies between an approved sign and a sign as constructed shall be identified in writing and may result in the halt of construction or sign removal, if so ordered by the administrator.

Sec. 32-58. Complaints and revocations.

The administrator shall investigate any complaints or violations of this chapter and may revoke a permit if there is any violation of the provisions of this chapter or there was misrepresentation of any material facts in either the application or plans.

Sec. 32-59. Expiration of sign permits.

If an approved sign is not erected within a period of twelve (12) months from the date the permit was originally issued, the permit shall expire and become null and void.

Secs. 32-60—32-76. Reserved.*DIVISION 3. REMOVAL***Sec. 32-77. Illegal signs.**

The administrator may remove or order the removal of any sign not in conformance with the provisions of this chapter, at the expense of the sign owner or lessee, after the sign owner or lessee has been provided a ten (10) day written notice to remove sign, or cure any violation of this chapter.

Sec. 32-78. Immediate peril.

If the administrator shall find any sign which is an immediate peril to persons or property, the sign shall be removed. If the administrator cannot locate the sign owner or lessee for immediate removal of the sign, he shall remove or order the removal of the sign at the expense of the sign owner or lessee.

Secs. 32-79—32-99. Reserved.*DIVISION 4. VARIANCES***Sec. 32-100. Generally.**

The board of adjustment may grant variances for the following reasons:

- (1) To allow a setback for a sign that is less than the required setback.
- (2) To allow the area or height of a sign to be increased by up to forty (40) percent of the maximum height or area allowed.

Sec. 32-101. Standard of review.

The board of adjustment shall consider applications for variances only in situations where the applicant has been denied a sign permit by the administrator. The board of adjustment may grant a variance authorized by this chapter if it finds that the following special physical conditions exist:

- (1) The zoning lot on which an activity is located is unusually shaped or exhibits unusual topography; and
- (2) Such physical characteristics prevent legal signage from identifying the activity as compared to legal signage identifying other activities in the immediate area.

Sec. 32-102. Procedures.

All requests for variances must be filed with the board of adjustment within thirty (30) days of the decision by the administrator.

Sec. 32-103. Exempt signs.

Sign permits shall not be required for the following:

- (1) *Address and name of resident.* Signs indicating the address and/or name of the residential occupants of the premises, not exceeding two (2) square feet in area, and not including any commercial advertising or identification.
- (2) *Artwork.* Works of art that do not include any commercial messages or references.
- (3) *Decals.* Decals affixed to windows or door glass panes, such as indicating membership in a business group or credit cards accepted at the establishment.
- (4) *Directional signs.* Signs for nonprofit institutions or public amenities giving on-site directional assistance for the convenience of the public, not exceeding four (4) square feet in area and not in the public right-of-way. Directional signs may be internally lit or illuminated by white light only.
- (5) *Flags, emblems or insignia.* Flags, emblems and insignia of any governmental agency or religious, charitable, public or nonprofit organization, subject to the following:
 - a. No single flag that is flown shall exceed forty (40) square feet in area and no single zoning lot shall fly more than three (3) such flags.
 - b. If the total area of such flags exceeds seventy-two (72) square feet, the excess area shall be included in the sign area calculations for the ~~zoning~~ lot.
 - c. Flagpoles shall not exceed forty (40) feet in height.
 - d. Wall-mounted flags, emblems or insignia shall be limited to one per zoning lot and shall not exceed forty (40) square feet in area.
 - e. Other flags, emblems or insignia shall be limited to two (2) per utility pole and shall be at least seven (7) feet above the ground that exceed twenty-five (25) feet in height, with approval of the utility pole owner and the city's administration.
- (6) *Handicapped parking space sign.* Signs not exceeding two square feet in area reserving parking spaces for handicapped motorists.
- (7) *Home occupation signs.* On-premises identification signs for home occupations shall not exceed two (2) square feet in area ~~and shall contain only the name of the business and/or business owner~~. Such signs shall be located on an exterior wall, window or door of the premises.

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- (8) *Private drive signs.* On-premises private drive signs limited to one (1) per drive entrance not exceeding two (2) square feet in area ~~with language limited to the words "private drive" and the address of any residences utilizing the private roadway.~~
- (9) *Public or religious signs.* Signs erected by government agencies, religious organizations, or utilities including traffic, utility, safety, railroad crossing, and identification signs for public facilities, and any signs erected by the city council or under the direction of the city council.
- (10) *Security and warning signs.* On-premises signs regulating the use of the premises, such as "no trespassing," "no hunting" and "no soliciting" signs, that do not exceed two (2) square feet in area in residential areas and five (5) square feet in commercial and industrial areas.
- (11) *Temporary real estate signs.* Temporary signs indicating the availability of real property for lease or sale, located on the premises being leased or sold, subject to the following:
- a. Display of such signs shall be limited to one per property or one along each contiguous opened right-of-way.
 - b. Signs are to be non-illuminated.
 - c. In residential areas: ~~no~~Maximum of ~~t~~exceeding six (6) feet in height; maximum and not exceeding eight (8) square feet in area. ~~ea in residential zones~~
 - d. In non-residential areas and only contiguous to U.S. Hwy 290, State Highway 95, Farm to Market 1100 outside City limits, & Farm to Market 1704 outside City limit: Maximum of eight (8) feet in height; maximum of thirty-two (32) square feet in area.
 - e. In non-residential areas not covered under subsection d: Maximum of eight (8) feet in height; maximum of ~~and eight sixteen (16)~~ square feet in area ~~in all other zones.~~
 - f. Such signs shall be removed within seven (7) days of the settlement or lease of the property. This exception includes "garage sale" or similar signs in residential areas.
- (12) Wireless communication facility (WCF) identification sign.
- (13) Window sign.
- (14) Door sign.
- (15) Directional signs less than four (4) square feet in sign area.

Secs. 32-104—32-134. Reserved.

DIVISION 5. TEMPORARY SIGNS

Sec. 32-135. Permit required.

The signs in this division may be erected only after obtaining a temporary sign permit from the administrator. The permit shall cite the length of time the sign may be displayed. If any temporary sign is not removed by the expiration of the appropriate time limit noted in this section, the administrator may remove it and charge the costs of removal to the individual or enterprise responsible. No fees shall be charged for temporary signs.

Sec. 32-136. Construction signs.

Construction signs are temporary signs announcing new buildings or projects, erected after the commencement of building construction or site development. Each construction site shall be limited to one (1)

construction sign not exceeding twenty (20) square feet in area and eight (8) feet in height, which shall be removed by the time a permanent sign is erected or a certificate of occupancy for the building is issued, whichever occurs first.

Sec. 32-137. Political election signs.

Political election signs ~~shall not be erected earlier than 90 days before the election, such signs~~ shall be removed within ~~ten~~ fourteen (14) calendar days after the applicable election of the specific candidate, and such signs shall not be placed in, on or over any public street right-of-way.

Sec. 32-138. Seasonal signs.

Seasonal signs are temporary and/or portable off-premises or on-premises signs announcing the availability of seasonal products. The number of signs shall not exceed two (2) and the total area of all such signs shall not exceed twenty (20) square feet, nor shall any sign exceed six (6) feet in height. No seasonal sign shall remain in place for more than two (2) months in any given year.

Sec. 32-139. Special event signs and banners.

Special event signs and banners are signs announcing special events including, but not limited to, auctions, grand openings, new management, going out of business, and events sponsored by religious, charitable or public service groups. Any business, individual or organization may display once in a twelve (12) month period a maximum of eight (8) signs for up to twenty-one (21) days prior to a special event. Such signs shall be attached to buildings or existing private sign structures or sign poles with the permission of the owner and shall not exceed sixteen (16) square feet in area each and shall be removed immediately following the event. The size, number and location of banners crossing public streets shall be determined by the city council for special events only as approved by the city council.

Sec. 32-140. Temporary farm product signs.

Temporary farm product signs are temporary on-premises signs announcing the availability of seasonal farm products. The number of signs shall not exceed two (2) and the total area of all such signs shall not exceed twenty (20) square feet, nor shall any sign exceed six (6) feet in height.

Secs. 32-141—32-163. Reserved.

ARTICLE III. STANDARDS AND CRITERIA

DIVISION 1. GENERALLY

Sec. 32-164. Regulations; permit required for certain signs.

The regulations in this article specify the number, types, sizes, heights and locations of signs which are permitted within the city limits and which require a permit. Any sign regulations incorporated into a development agreement, PDD development plan, or master sign plan approved by the city council may supersede all or part of this article.

Sec. 32-165. Determination of sign area.

In measuring the area of signs permitted under this chapter, the entire face of the sign (one (1) side only) and any wall work incidental to its decoration shall be included. Where both sides of a sign contain lettering or other allowable display, one (1) side only shall be used to compute the allowable size of the sign. Where the sign consists of individual raised letters or a sign face of irregular shape, the sign area shall include the area of the smallest rectangle that can encompass the letters or sign face.

Sec. 32-166. Determination of sign height.

The height of a sign erected within thirty (30) feet of a street shall be the distance from the grade level of the nearest curb of the street to the top of the sign or sign structure, whichever is greater. The height of all signs farther than thirty (30) feet from a street shall be the distance from the grade level where the sign is erected to the top of the sign or sign structure, whichever is greater.

Sec. 32-167. Street frontage requirements for freestanding signs.

Freestanding signs shall be permitted only on ~~zoning~~ lots with sixty (60) feet or more of street frontage.

Sec. 32-168. Spacing of freestanding signs.

No freestanding sign shall be erected within one hundred (100) feet of another freestanding sign.

Sec. 32-169. Installation of wall signs.

All wall signs shall be installed flat against the wall of a building and shall not extend from the wall more than twelve (12) inches.

Sec. 32-170. Minimum sign setbacks and sight visibility triangles.

(1) Ten (10) feet from any property line if located on the ground.

(2) The protected sight distance area is the triangle with legs that are the intersecting flowlines of two (2) streets at an intersection. Where local streets meet, the legs shall extend thirty-five (35) feet away from the intersection of the flowlines. Where collector or arterial streets meet, the legs shall extend forty-five (45) feet away from the intersection of the flowlines.

Secs. 32-~~170~~171—32-191. Reserved.

DIVISION 2. RESIDENTIAL DISTRICTS

Sec. 32-192. Permits required.

Permits are required for all other allowed signs and must conform to the criteria in this division.

Sec. 32-193. Single-family subdivision identification signs.

Signs that identify the name of a single-family residential subdivision, located at any street entrance to the subdivision, shall be erected as follows:

- (1) *Number.* Two (2) per entrance, not to exceed eight (8) per subdivision.
- (2) *Type.* Monument sign, which shall include masonry for all nonlettered areas. Landscaping and irrigation shall be installed within three (3) feet from the base of the sign along the front of the sign.
- (3) *Maximum size and height.* Up to fifty (50) square feet in area and seven (7) feet in height.
- ~~(4) *Minimum setback.* Ten (10) feet from any property line and outside of all sight visibility triangles.~~

Sec. 32-194. Multifamily complex signs.

Signs that identify the name and/or address of an apartment, townhouse, condominium or other multifamily residential complex, located at any street or private drive entrance to the complex, shall be erected as follows:

- (1) *Number.* One (1) per main entrance, not to exceed two (2) per complex.
- (2) *Type.* Monument sign, which shall include masonry for all nonlettered areas. Landscaping and irrigation shall be installed within three (3) feet from the base of the sign along the front of the sign.
- (3) *Maximum sizes and heights.* Monument sign up to fifty (50) square feet in area and up to seven (7) feet in height.
- ~~(4) *Minimum setback.* Ten (10) feet from any property line and outside of all sight visibility triangles.~~

Sec. 32-195. Accessory management or rental office signs.

Signs that identify an accessory management or rental office shall be erected as follows:

- (1) *Number.* One (1).
- (2) *Type.* Wall.
- (3) *Maximum size and height.* Six (6) square feet in area and located below the roofline.

Sec. 32-196. Wireless communication facility (WCF) identification sign.

Required at a WCF and sign shall not larger than two (2) square feet, unless otherwise required by the Federal Communications Commission (FCC) regulations.

Secs. 32-197—32-213. Reserved.

DIVISION 3. COMMERCIAL AND INDUSTRIAL DISTRICTS

Sec. 32-214. Permits required.

Permits are required for all other signs and must conform to the criteria in this division.

Sec. 32-215. Signs facing a residential areasland use.

Any sign erected within one hundred (100) feet of ~~either an existing a~~ residential land use ~~or a residential zoning district~~ shall be ~~nonilluminated and~~ limited to sixteen (16) square feet in area and five (5) feet in height. If illuminated the sign will use downward external illumination.

Sec. 32-216. ~~Minimum setbacks~~Reserved.

~~All signs and sign structures must be located at least ten (10) feet from any property line and outside of all sight visibility triangles.~~

~~(Code 1990, ch. 4, § 15(K)(8)(b))~~

Sec. 32-217. Zoning lots with one (1) establishment.

Any establishment located on a zoning lot with one (1) establishment may erect signs as follows:

- (1) ~~Number. Maximum of four signs, but in no case shall two freestanding signs be allowed on the same zoning lot.~~Reserved.
- (2) *Types.* Wall, monument, pole, projecting, awning, canopy or marquee.
- (3) ~~Maximum sizes and heights~~Standards.
 - a. *Wall or marquee sign.* ~~Minimum of Thirty-two~~24 square feet of area or ~~one and one-half~~0.75 feet of sign area per ~~two~~1 linear ~~foot~~feet of building frontage on which the sign or signs are to be attached, up to a maximum of ~~one hundred (100)~~75 square feet in area ~~for all wall or marquee signs, whichever is greater.~~ The top of all ~~wall and marquee~~ signs shall be ~~no greater than five feet above the~~located below the roofline and at a height no greater than thirty-five (35) feet above the ground. These signs shall only be located on building frontages that are contiguous to right-of-way, parking lots, or access drives.
 - b. *Pole sign.* One (1) square foot of sign area per ~~three~~6 linear feet of lot frontage on which the sign or signs are to be erected not to exceed ~~100~~35 square feet. ~~For zoning lots with one establishment fronting U.S. Highway 290, the maximum sign area of a pole sign is 150 square feet.~~ The top of the sign shall not exceed ~~40~~20 feet in height ~~and the base of the sign shall be at least seven feet above the ground.~~ A maximum of 1 sign per contiguous right-of-way or access drives.
 - c. *Monument sign.* One (1) -square foot of sign area per ~~five~~3 linear feet of lot frontage on which the sign or signs are to be erected, up to a maximum of 50 square feet in area. The height of a monument sign shall not exceed ~~seven~~20 feet. A maximum of 1 sign per contiguous right-of-way or access drives.
 - d. *Projecting sign.* ~~One and one-half~~0.75 square feet of sign area per ~~two~~1 linear ~~feet~~foot of building frontage on which the sign or signs are to be attached, up to a maximum of twelve (12) square feet in area. The top of all projecting signs shall be located below the roofline and at a height not greater than sixteen (16) feet above the ground. The base of all projecting signs shall be no less than eight (8) feet above the ground. Projecting signs shall not project from the exterior wall of a building more than six (6) feet.
 - e. *Awning or canopy sign.* Zero point seven-five (0.75) square feet of sign area per one (1) linear foot of ~~One and one-half square feet per two linear feet of~~ awning or canopy, up to a maximum

of sixteen (16) square feet in area. No awning or canopy sign shall extend above the top of the awning or canopy.

Sec. 32-218. ~~Multiple Two (2) to four (4) establishments on single zoning lots.~~

~~Multiple establishments on single zoning lots that do not constitute a shopping center may collectively erect one monument sign with a maximum height of seven feet not to exceed 50 square feet in area or one pole sign with a maximum size of 50 square feet and height of 40 feet. In addition, each establishment located on a single zoning lot with two or more establishments may erect one sign as follows:~~

- (1) Type. Wall, projecting, awning, pole, monument, canopy or marquee.
- (2) ~~Maximum size and height~~Standards.
 - a. ~~Wall or marquee sign. Minimum of 24 square feet of area or One and one-half 0.75~~ square feet of sign area per ~~1 two~~ linear feet of building frontage on which the signs ~~is~~are to be attached, ~~up to a maximum of 100 square feet in area.~~ The top of all ~~wall and marquee~~ signs shall be ~~no greater than five feet above below~~ the roofline and at a height no greater than 40 feet above the ground. These signs shall only be located on building frontages that are contiguous to right-of-way, parking lots, or access drives.
 - b. ~~Projecting sign. One and one-half square 0.75 square~~ feet of sign area per ~~1 two~~ linear ~~fee~~oot of building frontage on which the signs are to be attached, up to a maximum of 12 square feet in area. The top of all ~~projecting~~ signs shall be located below the roofline and at a height not greater than 16 feet above the ground. The base of all ~~projecting~~ signs shall be no less than eight feet above the ground. Projecting signs shall not project from the exterior wall of a building more than six feet
 - c. ~~Awning or canopy sign. One and one-half square 0.75 square feet of sign area per 1 linear foot~~ feet per ~~two linear feet~~ of awning or canopy, up to a maximum of 16 square feet in area. No awning or canopy sign shall extend above the top of the awning or canopy.
 - d. ~~Pole sign. Each collective sign shall have a minimum area of 16 square feet and a maximum area of one square foot per 300 square feet of gross building floor area up to 100 square feet in area or one 1~~ square foot of sign per ~~three 6~~ linear feet of street frontage on which sign or signs are to be erected ~~up to with a maximum of 100 75~~ square feet. ~~For multiple establishments on single zoned lots fronting U.S. Highway 290, the maximum sign area of a pole sign is 150 square feet.~~ The top of the pole sign shall not exceed ~~40 20~~ feet in height, ~~and the base of the pole sign shall be at least seven feet above the ground. A maximum of 1 collective sign per contiguous right-of-way. In addition to identifying the name of the center, the sign may identify the individual establishments within the center.~~
 - e. Monument sign. Each collective sign shall have 1 square foot of sign area per 3 linear feet of lot frontage on which the sign or signs are to be erected, up to a maximum of 100 square feet. The height of a monument sign shall not exceed 20 feet. A maximum of 1 collective sign per contiguous right-of-way or access drives. In addition to identifying the name of the center, the sign may identify the individual establishments within the center.

Sec. 32-219. Five (5) or more establishments on a single lot.~~Shopping centers.~~

- (~~a~~1) ~~Reserved. Centers with five or more establishments. Shopping centers with five or more establishments planned as an integrated development shall be authorized to erect signs based on the criteria set forth in this section.~~

(b2) Center identification sign. Types. Wall, monument, pole, projecting, awning, canopy or marquee. One monument or one pole sign per street fronting the center, not to exceed a total of two signs, identifying the name of the center. The name of any major establishment within the center may serve as the name of the entire center. In addition to identifying the name of the center, the sign may identify the individual establishments within the center.

(3) Standards.

- a. Wall or marquee sign. Minimum of 24 square feet of area or 0.75 feet of sign area per 1 linear foot of building frontage on which the sign or signs are to be attached, up to a maximum of 150 square feet in area. The top of all signs shall be located below the roofline and at a height no greater than 35 feet above the ground. These signs shall only be located on building frontages that are contiguous to right-of-way, parking lots, or access drives.
 - b. Pole sign. 1 square foot of sign area per 6 linear feet of lot frontage on which the sign or signs are to be erected not to exceed 125 square feet of area. The top of the sign shall not exceed 25 feet in height. A maximum of 1 collective sign per contiguous right-of-way or access drives. In addition to identifying the name of the center, the sign may identify the individual establishments within the center.
 - c. Monument sign. 1 square foot of sign area per 3 linear feet of lot frontage on which the sign or signs are to be erected, up to a maximum of 150 square feet in area. The height of a monument sign shall not exceed 25 feet. A maximum of 1 collective sign per contiguous right-of-way or access drives. In addition to identifying the name of the center, the sign may identify the individual establishments within the center.
 - d. Projecting sign. 0.75 square feet of sign area per 1 linear foot of building frontage on which the sign or signs are to be attached, up to a maximum of 12 square feet in area. The top of all signs shall be located below the roofline and at a height not greater than 16 feet above the ground. Signs shall not project from the exterior wall of a building more than 6 feet.
 - e. Awning or canopy sign. 0.75 square feet of sign area per 1 linear foot of awning or canopy, up to a maximum of 16 square feet in area. No sign shall extend above the top of the awning or canopy.
- (1) ~~Wall or marquee sign.~~ One and one-half square feet of sign area per two linear feet of building frontage on which the signs are to be attached. The top of all wall and marquee signs shall be no greater than five feet above the roofline and at a height no greater than 40 feet above the ground.
- (2) ~~Monument sign.~~ Each sign shall have a minimum area of 20 square feet and a maximum area of one square foot per 1,000 square feet of gross building floor area up to 80 square feet in area and a maximum height of 12 feet.
- (3) ~~Pole sign.~~ Each sign shall have a minimum area of 16 square feet and a maximum area of one square foot per 300 square feet of gross building floor area up to 100 square feet in area or one square foot of sign per three linear feet of street frontage on which sign or signs are to be erected up to 100 square feet. For shopping centers fronting U.S. Highway 290, the maximum sign area of a pole sign is 150 square feet. The top of the pole sign shall not exceed 40 feet in height and the base of the pole sign shall be at least seven feet above the ground.

Sec. 32-220. Gasoline stations.

Automobile service and gasoline stations shall comply with all applicable sign regulations within this section, including the regulations for shopping centers if applicable. The following additional regulations shall apply to all automobile service and gasoline stations:

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- (1) *Changeable fuel price signs.* Freestanding signs identifying the name of the business may include changeable copy indicating the current price of fuel dispensed on the premises. The area of the fuel price sign shall not be included in determining the sign area for the business, but said fuel sign area shall be less than forty (40) square feet.

~~(2) *Gas pump signs.* Each gas pump shall be permitted a total of one (1) square foot of sign area to identify the product dispensed.~~

Sec. 32-221. Office and/or industrial centers.

Office and/or industrial centers at least two acres in size and planned as an integrated development shall be authorized to erect signs based on the following criteria:

- (1) *Center identification signs.* One (1) monument sign per public street frontage, not to exceed a total of two (2) monument signs, identifying the name of the center only and not exceeding fifty (50) square feet in area and seven (7) feet in height.
- (2) *Individual building signs.* Where an office and/or industrial center is comprised of two (2) or more buildings, each individual building may erect one (1) monument sign, not to exceed thirty-two (32) square feet in area and five (5) feet in height, identifying the principal establishment within the building.
- (3) *Individual establishment signs.* Each individual establishment within an office and/or industrial building may erect one (1) wall sign of a size which does not exceed zero point seven-five (0.75) square feet of sign area per one (1) linear foot ~~one and one-half square feet of sign area per two linear feet of~~ building frontage on which the sign or signs are to be attached, up to a maximum of thirty (32) square feet in area. The top of the wall sign shall not be located ~~no greater than five feet~~ above the roofline and at a height no greater than fifteen (15) feet above the ground.

Sec. 32-222. Directory signs.

Commercial and industrial properties may erect a directory sign identifying the names and/or addresses of the establishments within individual buildings. A directory sign shall not exceed fifteen (15) square feet in area and six (6) feet in height and precludes the use of any other freestanding sign for the zoning lot on the same street frontage.

Sec. 32-223. Theaters.

Theaters are authorized to erect one (1) of the permitted wall or marquee signs with a changeable copy board displaying the names and times of the current motion picture or theatrical production.

Sec. 32-224. Other uses.

In cases where the regulations within this article do not specifically address a sign requested in conjunction with a permissible use, the administrator shall make a written interpretation of this article, which shall be kept in the permanent record for that application.

Sec. 32-225. Storefronts neighboring historic districts.

- (a) A storefront located within one hundred (100) feet of the historic district, as defined by article VI of chapter 46 of this Code, may have one sidewalk sign located directly in front of the storefront.

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- (b) Sidewalk signs within one hundred (100) feet of the historic district and located within one hundred (100) feet of either an existing residential land use ~~or a residential zoning district~~ shall not face the adjoining residential property.

Sec. 32-226. Wireless communication facility (WCF) identification sign.

Required at a WCF and sign shall not larger than two (2) square feet, unless otherwise required by the Federal Communications Commission (FCC) regulations.

Secs. 32-227—32-241. Reserved.

ARTICLE IV. CONSTRUCTION AND MAINTENANCE

Sec. 32-242. Building and electrical code compliance.

All signs shall be constructed in compliance with the International Building Code (IBC) and National Electrical Code (NEC), as adopted by the City.

Sec. 32-243. General restrictions.

Signs shall not be erected in or over a street or highway right-of-way or any public land except as permitted in section 32-1.

Sec. 32-244. Condition of signs.

All signs and components shall be maintained in good repair and in a safe, clean and attractive condition.

Secs. 32-245—32-266. Reserved.

ARTICLE V. PROHIBITED SIGNS

Sec. 32-267. Enumerated.

The following are expressly prohibited unless specifically stated otherwise in this chapter:

- (1) *Animated and moving signs.* Including, but not limited to, pennants, feather signs, flags with commercial messages, banners, streamers, propellers, discs and searchlights.
- (2) *Flashing signs.* Any signs that include lights which flash, blink or turn on and off intermittently, not including time and temperature signs.
- (3) *Glaring signs.* No sign shall be illuminated to such an intensity or in such a manner as to cause glare of brightness to a degree that it constitutes a hazard or nuisance to traffic. Moving, flashing, intermittently lighted, changing color, beacons, revolving or similarly constructed signs shall not be allowed, except for time and temperature on an otherwise permitted sign.
- (4) *Inflatable signs and objects.* Including, but not limited to, balloons, ~~for a period of over two weeks in any given year.~~

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- (5) *Off-premises signs, including billboards.* Any sign which is not located on the premises that it identifies or advertises.
- (6) *Portable signs.* Any sign that is not permanently affixed to a building, structure or the ground. This shall not apply to authorized temporary signs.
- (7) ~~*Posters and handbills.* Any signs affixed to trees or other natural vegetation, rocks or utility poles. Such as but not limited to, garage sale, lost animals, political, any for sale signs, etc., except as provided in section 32-105, flags, emblems or insignia. *Snipe signs.* Any Sign of any material, including paper, cardboard, wood, or metal, when tacked, nailed, stapled, posted, pasted, glued, or otherwise attached in any way to Trees, poles, stakes, fences, utility boxes, street furniture, fire hydrants or other objects.~~
- (8) *Roof signs.* Any signs which are erected on a roof.
- (9) *Simulated traffic signs and obstructions.* Any sign which may be confused with or obstruct the view of any authorized traffic sign or signal, obstruct the sight distance triangle at any street intersection or extend into the public right-of-way.
- (10) *Strings of lights.* Including lights that outline property lines, sales areas or any portion of a structure, and are intended to advertise or draw attention to a business or commercial activity, but excluding a string of lights displayed for non-advertising purposes. ~~during the Christmas season, from November 24 to January 4 of each year.~~
- (11) *Vehicular signs.* Any sign displayed on a parked vehicle, where the primary purpose of the vehicle is to advertise a product or business or to direct people to a business or activity. For the purposes of this chapter, vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other business purposes.
- ~~(12) *Signs in right-of-way or alley.* Any signs located in a right-of-way, alley, or any open access easement functioning as a right-of-way or alley for more than one (1) lot.~~
- ~~(13) *Sign walkers.* A person who walks, paces, jogs, or otherwise moves and carries a sign that is worn, held, or balanced by that person and is not installed or attached to real property.~~
- ~~(14) *Abandoned signs.* Any sign which is void of Copy or advertises a business no longer conducted or product no longer sold at that location. In making the determination that a Sign advertises a business no longer being conducted, the Administrator shall consider the existence or absence of a current occupational license, utility service deposit or account, use of the premises and relocation of the business.~~

Secs. 32-268—32-297. Reserved.

ARTICLE VI. NONCONFORMING SIGNS

Sec. 32-298. Generally.

Any sign which does not conform to the provisions herein on the date of enactment of the ordinance from which this chapter is derived or any date on which the ordinance is amended and any sign which is accessory to a nonconforming use, shall be deemed a nonconforming sign. No nonconforming sign shall be enlarged, extended, structurally reconstructed or altered in any manner, except that a sign face be changed so long as the new face is equal to or reduced in height, sign area and/or projection and a sign permit is issued for the sign face change.

~~Irrespective of the regulations stated in this section, a nonconforming sign can be moved to a new business location and remain unaltered, so long as the physical location of the sign is in conformance with this chapter.~~

Sec. 32-299. Removal.

Nonconforming signs may remain, provided they are maintained in good repair, except for the following:

- (1) *Damage or destruction of sign.* A nonconforming sign which is damaged or destroyed to the extent of fifty (50) percent or more of its sign face shall not be altered, replaced or reinstalled unless it is in conformance with this chapter. If the repair cost of the nonconforming sign is less than fifty (50) percent of the replacement cost of said sign, then said sign may be repaired and retained as a nonconforming sign. The owner of said sign to be repaired shall submit to the city two (2) cost estimates for repair and replacement prior to repair of said sign.
- (2) *Damage or destruction of use.* A nonconforming sign shall be removed according to the provisions of article II, division 3 of this chapter, if the structure or use to which it is accessory is damaged or destroyed to the extent of fifty (50) percent or more of the principal structure's appraised value.
- (3) *Change of use.* Whenever a land use changes, any previously nonconforming signs or signs which become nonconforming because of the change in land use must be modified so as to be in full compliance with these sign regulations.

Secs. 32-300—32-316. Reserved.

ARTICLE VII. SIGNS FOR HISTORIC DISTRICTS AND HISTORIC LANDMARKS

Sec. 32-317. Purpose.

The purpose of this article is to provide for supplemental sign standards to protect and enhance the unique character of the city's historic districts and historic landmarks. Except where they are in direct conflict with this section, the provisions of other sections of this chapter shall apply to historic districts and historic landmarks. In the event of direct conflict, this article controls.

Sec. 32-318. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Awning sign means a sign placed directly on the surface of an awning that emphasizes the entrance to a store.

Business directory sign means a sign that lists multiple businesses for the same building location. A business directory sign may be a projection sign or a facade sign.

Business shingle means any illustration or symbol which represents the type of business which occupies the building. No wording is allowed on such signs.

Facade sign means any sign attached directly to the exterior of a building also known as a flush-mounted sign.

Freestanding sign means a sign supported from the ground that is not attached to a building or other permanent structure.

Hanging sign means any signboard suspended from chains, hooks or similar means from an awning or canopy.

Historic district means as defined article VI of chapter 46.

Historic landmark means as defined in article VI of chapter 46.

Historic sign means an advertising sign or mural that is at least 50 years old.

Monument sign means a sign with the base affixed to the ground which measures at least two-thirds the length of the sign.

Painted sign means a sign that is painted directly onto the exterior surface of a building, not including a window.

Primary sign means a sign constructed pursuant to section 32-324(a).

Projection sign means a sign that is affixed to the building and that extends perpendicular to the building.

Secondary sign means a sign constructed pursuant to section 32-324(b).

Sidewalk sign means a portable sign that is not affixed to a building, sidewalk or other permanent structure. This includes, but is not limited to, a sign such as an A-frame sign, sandwich board sign or V-shaped sign.

Signboard means any flat, rigid surface not exceeding four inches in depth, as measured front to back, specifically designed as a sign.

Storefront means any business which occupies a ground floor area of a building with an entrance and display area located at the front of a building.

String pennant means any arrangement of small pieces of fabric repetitively fastened to a string, rope, cord or similar item.

Temporary sign means professionally produced canvas banners advertising a new business, product, extended hours or sale.

Window sign means any sign painted on, or applied directly to, any window of a building.

Sec. 32-319. Size.

The street frontage of buildings, storefronts and lots is determined by the length of the side of the building or storefront with the most street frontage. In no event shall the area of any sign exceed ~~50~~ twenty-four (24) square feet.

- (1) Facade signs shall have a maximum area equal to one (1) square foot for every linear foot of building street frontage. If a building has multiple storefronts, the maximum area for facade signs for an individual storefront is determined by the length of street frontage of such storefront.
- (2) Freestanding signs shall have a maximum area equal to one (1) square foot for every linear foot of lot frontage. ~~The area of a freestanding sign is determined by measuring both sides of the sign.~~ The maximum height of a freestanding sign shall be eight (8) feet.
- (3) Hanging signs shall have a maximum measurement of one (1) foot in height and three (3) feet in length, and shall be installed a minimum of eight (8) feet above the sidewalk.
- (4) Projection signs shall have a maximum area equal to one (1) square foot per linear foot of storefront. The area of a projection sign is determined by measuring the area of both sides of the sign.
- (5) Monument signs shall have a maximum area equal to one (1) square foot per linear foot of lot frontage. ~~The area of a monument sign is determined by measuring the area of both sides of the sign.~~ The maximum height of a monument sign shall be four (4) feet.

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- (6) Window signs shall not cover more than thirty (30) percent of ~~the overall~~ ~~any~~ window pane surface area.
 - (7) Painted signs shall have a maximum area equal to one (1) square foot for every linear foot of building street frontage. If a building has multiple storefronts, the maximum area for painted signs for an individual storefront is determined by the length of street frontage of such storefront.
 - (8) The registered trademark of a specific commodity shall not occupy more than fifteen (15) percent of the area of a sign, unless the sale of the specific commodity is the predominant business conducted on the premises.
 - (9) No sign shall obscure architectural features or be oversized in proportion to the building.
 - (10) The total area of all primary signs for a single storefront shall not exceed one (1) square foot for every linear foot of storefront
 - (11) Historic signs or advertising murals may be maintained if in existence. Historic signs that are no longer in existence may be recreated if the applicant produces sufficient proof that the sign existed at that location at least fifty (50) years ago. Historic signs shall not be included in the total signage calculation if they do not advertise a current business operating on the premises.
 - (12) Business shingles shall have a maximum area equal to one (1) -square foot per linear foot of storefront. The area of a business shingle is determined by measuring the area of both sides of the sign.

Sec. 32-320. Design.

- (a) The design of signs shall be compatible with the character of the surrounding historic district and conforming signs.
- (b) All signs shall comply with the city building codes and regulations. In the event of direct conflict with such city building codes and regulations, this article controls.
- (c) Signs that advertise a business, product or service that is no longer available on the premises are prohibited, unless the sign is determined to be of cultural, aesthetic or historical significance to the historic district area by the historic review board.
- (d) Facade signs must be mounted flush with the wall.
- (e) ~~Window signs must be painted with an accent color. A window sign may only display the business name, the individual's name for professional practitioners, physical address, web address and phone number. Windows may be temporarily painted with additional colors and information for seasonal or special community occasions, including, but not limited to, holidays and school-related events. Reserved.~~
- (f) Lettering on awning and canopy signs shall not exceed eight (8) inches in height.
- (g) To the greatest extent possible, all signs on a single building shall be coordinated as to size, shape, ~~color,~~ location, and materials.
- (h) ~~Primary signs shall bear only the name of the business, the kind of business and the year the business was established. Reserved.~~
- (i) Photographic elements are prohibited on all signs.
- (j) Primary and secondary signs must be professionally produced and installed.

Sec. 32-321. Materials.

- (a) The materials used in the construction of a sign shall be the same or similar to those found in the construction of the city's historic districts and historic landmarks.
- (b) Mounting materials may include wood, metal, masonry, glass, or signboard. Application materials may include paint, vinyl, or metal.
- (c) Digitally printed signs may contain lettering and logos.

Sec. 32-322. ~~Color~~Reserved.

- ~~(a) The colors used in a sign shall be compatible with the historic district or historic landmark.~~
- ~~(b) Exceptions to subsection (a) of this section where appropriate may be allowed for colors which are part of a recognized logo.~~

Sec. 32-323. Illuminations.

- (a) Signs may be illuminated to provide for increased visibility. Illumination may only be provided with external lights that do not create overlapping light.
- (b) Neon illumination may be used if the historic review board determines that such illumination is consistent with the character of the surrounding historic district.
- (c) The following are prohibited illuminations:
 - (1) Interior lighting within the body of the sign;
 - (2) Flashing, moving and intermittent lights, including digital displays;
 - (3) Backlighting awnings or canopies.

Sec. 32-324. Number.

- (a) *Primary signs.* Each storefront is entitled to two (2) primary signs, but no more than one (1) of each of the following:
 - (1) Facade sign;
 - (2) Projection sign;
 - (3) Monument sign;
 - (4) Freestanding sign;
 - (5) Awning sign;
 - (6) Painted sign.
- (b) *Secondary signs.* Each storefront is entitled to two (2) secondary signs, but no more than one (1) of each of the following:
 - (1) Hanging sign;
 - (2) Business shingle;
 - (3) Window sign.

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- (c) *Sidewalk signs.* Each storefront within the historic district may have one (1) sidewalk sign located directly in front of the storefront.
 - (d) *Window signs.* Notwithstanding subsection (b) of this section, a storefront may display two (2) window signs as secondary signs, in addition to a hanging sign or business shingle.
 - (e) *Multitenant buildings.*
 - (1) A multitenant building may erect a business directory sign as a secondary sign.
 - (2) A multitenant building located on a street corner shall be permitted to erect one (1) additional awning, canopy, hanging sign or projecting sign along the side street.

Sec. 32-325. Placement.

- (a) Signs shall be placed so as not to create a health or safety hazard due to visual obstruction or physical impediment.
- (b) A facade sign shall be mounted flush to the side of the building but shall not cover, obstruct, damage or otherwise adversely affect the building's prominent architectural or historic features.
- (c) Signs that obstruct or interfere with the opening or closing of windows or doors are prohibited.
- (d) Hanging signs shall be placed so that there is a minimum clearance of eight (8) feet from the bottom of the sign to the sidewalk or other pedestrian walkway. Hanging signs shall not extend beyond the outermost perimeter of the awning, canopy or structural member to which they are attached.
- (e) Projecting signs shall be placed so that there is a minimum clearance of ten (10) feet from the bottom of the sign to the sidewalk or other pedestrian walkway. Projecting signs shall not extend above any public street.
- (f) A painted sign shall not cover, obstruct, damage or otherwise adversely affect the building's prominent architectural or historic features or masonry. A painted sign may only be placed on previously painted masonry or on an I-beam.
- (g) For buildings with more than one (1) story, projecting signs and surface-mounted signs shall not extend higher than the top of the lowest window sills of the second floor.
- (h) No support for a sign shall extend above the cornice line of building to which the sign is attached.
- (i) Secondary signs may be hung from a projection sign, awning or canopy.
- (j) Sidewalk signs located within one hundred (100) feet of either an existing residential land use ~~or a residential zoning district~~ shall not face adjoining residential property.

Sec. 32-326. Temporary signs.

- (a) Professionally produced canvas banners advertising a product, extended hours, or sale may be placed on the building or awning only after obtaining a permit from the administrator. A temporary sign permit expires twenty-one (21) days after issuance. Only one (1) temporary sign permit shall be issued at a time. No business, individual or organization shall be issued more than eight (8) temporary sign permits per calendar year.
- (b) A temporary sign with a new business name shall not be displayed for more than forty-two (42) days or six (6) weeks.
- (c) Two (2) on-site signs, each no larger than ten (10) square feet advertising the premises for sale and/or lease shall be permitted for the period of time required to achieve the advertised transaction.

Sec. 32-327. Sidewalk signs.

- (a) No sidewalk sign may exceed two (2) feet, six (6) inches wide by three (3) feet, six (6) inches tall.
- (b) All sidewalk signs must be secured against wind, maintained in good condition and removed at the close of the business day.
- (c) No sidewalk sign shall impede progress in the public right-of-way.

Sec. 32-328. Maintenance.

All signs shall be properly placed and continuously maintained so as not to become a safety hazard or detract from the appearance of the historic district or historic landmark.

Sec. 32-329. Removal of signs.

All signs advertising or related to a business shall be removed within sixty (60) days of termination of occupancy of that business.

Sec. 32-330. Sign permits.

- (a) No primary or secondary sign shall be erected in an historic district or on an historic landmark without first obtaining a permit. A permit must be used within 12 months or a new permit must be secured.
- (b) In addition to obtaining any required building permit, every applicant for a primary or secondary sign shall submit to the planning department complete information on all aspects of the proposed primary sign, including type, dimensions, design, color, materials, content, purpose and placement. The submittal shall consist of a completed sign application form, construction plans, and a sample set of the proposed materials and/or paint colors. Any other documentation including photographs and catalogs, which may further support the application, are encouraged to be included.
- (c) All applications may be reviewed by the planning department or the city manager's designee, all applications determined to be complete will be placed on a historic review board agenda. If the historic review board determines that an application for a sign permit is not in compliance with this chapter, the application shall be denied. If the applicant wishes to appeal the decision to the board of adjustment, he must file written notice to do so within ten days of receipt of written notice that his application was denied. The decision of the board of adjustment shall be final.
- (d) Normal maintenance of signs and minor changes in wording or design, which maintain the size, color and style of an approved sign do not require a new permit.

Sec. 32-331. Prohibited signs.

The following are prohibited signs:

- (1) Signs that obstruct any door, window or fire escape on a building.
- (2) Roof signs.
- (3) Signs which rotate, oscillate or display any form of motorized movement, except barber poles.
- (4) String pennants.



Development Services Department

STAFF REPORT

Modification of Ch. 32, City Code regarding Signage.

Date: October 21, 2022

Hearing Date: City Council – November 15, 2022

REQUEST SUMMARY

City Staff is seeking to modify Chapter 32, Sign Code. These changes will allow for needed simplification, correction of errors, changes to modernize, and streamline language. The major changes are indicated below:

Sec. 32-3: Definitions

Removal of “posters and handbills”, revised “site visibility triangle” & “sign” definition, added “window sign”, “door sign”, “snipe sign”, “vending machine” & “feather sign” as definitions.

Sec. 32-103: Exempt Signs (from permitting).

1. Temporary real estate signs
 - A. Loosen placement of signs by allowing an additional one 1 sign on each contiguous ROW
 - B. Requires signs to be non-illuminated
 - C. Loosens height in non-residential areas from 6 feet to 8 feet.
 - D. Loosens maximum square footage from 4 square feet to 8 square feet.
 - E. Loosens maximum square footage from 8 feet in commercial zones to 16 square feet and 32 square feet for property along U.S. 290, SH 95, FM 1100 & FM 1704 outside City limits
2. Adds window, door, and directional signs less than four (4) square feet in sign area.

Section 32-170: Minimum setbacks and sight visibility triangle - Adds new code citation and moves existing codes under it while deleting postings in multiple places within the Code.

Section 32-215: Signs Facing Residential Areas – Modify language to make this viable to a land use instead of zoning; loosening regulations to allow external illumination.

Section 32-217: Zoning lots with one (1) establishment

1. Wall or marquee sign.
 - A. Modifies calculation of sign area, which simplifies understanding.
 - B. Reduce minimum square footage from 32 to 24 square feet for wall signs.
 - C. Reduce maximum square footage of sign from 100 to 75 square feet.
 - D. Signs cannot go above the roofline versus being a maximum of 5 feet above the roofline.
 - E. Limit's location along building frontages to right-of-way, parking lots, and access drive.
2. Pole sign.
 - A. Modifies calculation of sign area, which simplifies understanding.
 - B. Increases the length of linear frontage calculation which reduces the sign sizes.
 - C. Reduces the maximum size of signs from 100 square feet and 150 square feet along U.S. Hwy 290 to 35 square feet.
 - D. Reduce sign height from 40 feet to 20 feet.
 - E. Limits sign to 1 sign per contiguous right-of-way or access drive.
3. Monument sign.
 - A. Modifies calculation of sign area, which simplifies understanding.
 - B. Decreases the length of linear frontage calculation which increases the sign sizes.
 - C. Increases sign height from 7 feet to 20 feet.
 - D. Limits sign to 1 sign per contiguous right-of-way or access drive
4. Projecting, awning, & canopy sign
 - A. Modifies calculation of sign area, which simplifies understanding.

Section 32-218: Two (2) to four (4) establishments on single lots

1. Wall or marquee sign.
 - A. Modifies calculation of sign area, which simplifies understanding.
 - B. Adds a minimum 24 square feet for wall signs.
 - C. Adds a maximum square footage of sign at 100 square feet.
 - D. Signs cannot go above the roofline versus being a maximum of 5 feet above the roofline.
 - E. Limit's location along building frontages to right-of-way, parking lots, and access drive.
2. Pole sign.
 - A. Modifies calculation of sign area, which simplifies understanding.
 - B. Increases the length of linear frontage calculation which reduces the sign sizes.
 - C. Reduces the maximum size of signs from 100 square feet to 75 square feet.
 - D. Reduce sign height from 40 feet to 20 feet.
 - E. Limits sign to 1 sign per contiguous right-of-way or access drive.

3. Monument sign.
 - A. Adds calculation of sign area, which simplifies understanding.
 - B. Adds length of linear frontage calculation which determines the sign sizes versus having a sign maximum.
 - C. Increases the maximum sign square footage from 50 square feet to 100 square feet.
 - D. Increases sign height from 7 feet to 20 feet.
 - E. Limits sign to 1 sign per contiguous right-of-way or access drive
4. Projecting, awning, & canopy sign
 - A. Modifies calculation of sign area, which simplifies understanding.

Section 32-219: Five (5) or more establishments on single lot

1. Wall or marquee Sign.
 - A. Modifies calculation of sign area, which simplifies understanding.
 - B. Adds a minimum 24 square feet for wall signs.
 - C. Adds a maximum square footage of sign at 150 square feet.
 - D. Signs cannot go above the roofline versus being a maximum of 5 feet above the roofline.
 - E. Limit's location along building frontages to right-of-way, parking lots, and access drive.
2. Pole sign.
 - A. Modifies calculation of sign area, which simplifies understanding.
 - B. Increases the length of linear frontage calculation which reduces the sign sizes.
 - C. Reduces the maximum size of signs from 150 square feet to 125 square feet.
 - D. Reduce sign height from 40 feet to 25 feet.
 - E. Limits sign to 1 sign per contiguous right-of-way or access drive.
3. Monument sign.
 - A. Adds calculation of sign area, which simplifies understanding.
 - B. Modifies length of linear frontage calculation which increases sign area.
 - C. Increases the maximum sign square footage from 50 square feet to 150 square feet.
 - D. Increases sign height from 12 feet to 25 feet.
 - E. Limits sign to 1 sign per contiguous right-of-way or access drive
4. Projecting, awning, & canopy sign
 - A. Adds these as sign options and regulations are the same as the previous Sections.

Section 32-220(2): Gas pump signs – Removed due to redefinition of “sign”. These are no longer regarded as signs.

Section 32-221(3): Office and/or industrial centers - Modifies calculation of sign area, which simplifies understanding.

Section 32-225: Storefronts neighboring historic districts - Modify language to make this viable to a land use instead of zoning.

Section 32-267(4), (10), & (12): Enumerated – Removes allowance for balloons for a 2-week period; eliminates Christmas season from string of lights to allow for the whole year; adds feather signs, sign walkers abandoned signs, and signs in right-of-way or alley as a prohibited sign.

Section 32-298: Generally (Non-conforming) – Removes the ability to move a non-conforming sign and reinstall it.

Section 32-319: Size – Reduces minimum square footage of signs in the historic district from 50 square feet to 24 square feet; removes requirement that both sides of a monument or freestanding sign be measured to determine area would default to one side of the sign be measured to determine area.

Section 32-320(e) & (j): Design – Removes verbiage for window signs & color as a requirement in the historic district.

Section 32-322: Color – Removed in its entirety in historic district as a consideration.

Section 32-325(j): Placement - Modify language to make this viable to a land use instead of zoning.

Section 32-331: Prohibited Signs – Loosening of regulations to allow barber poles instead of prohibiting them.



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: AN ORDINANCE AMENDING CHAPTER 44 VEGETATION, ARTICLE II LANDSCAPING, DIVISION 1 GENERALLY & DIVISION 3 GENERALLY REQUIREMENTS AND STANDARDS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

DEPARTMENT: Development Services.

PROPOSED ACTION: Discussion, consideration, and action on an ordinance amending Chapter 44 (Vegetation), City Code.

BACKGROUND: See attached staff report.

BUDGET/FINANCIAL IMPACT:

Funding for this item was ☐ included ☐ not included in the current-year budget ☒ N/A

Finance Approval:

Signature: _____ Date: _____

RECOMMENDATION: Staff recommends approval.

ATTACHMENTS: Staff Report & Ordinance.

☐ Staff will be making a detailed presentation on this agenda item at the meeting.

☒ Staff will provide brief comments and answer questions on this item at the meeting.

☐ This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

ORDINANCE NO. 2022-11-15-??

AN ORDINANCE AMENDING CHAPTER 44 VEGETATION, ARTICLE II LANDSCAPING, DIVISION 1 GENERALLY & DIVISION 3 GENERALLY REQUIREMENTS AND STANDARDS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS:

I.

That Chapter 44, Vegetation, Article II Landscaping, Division 1 Generally Code of Ordinances, City of Elgin, Texas, is hereby amended by modifying Section 44-22 Landscape Plans, *New Development*, et. seq. which shall read as follows:

Sec. 44-22. Landscape plans.

The landscape requirements set out in this article shall be depicted in the landscape plans, which shall be a part of the site plans required under chapter 36, subdivisions. ~~Unless otherwise approved by the director of planning, a~~ All landscape plans, ~~excluding single family and two family residential lots,~~ shall be prepared and sealed by a landscape architect currently registered or licensed by the state to practice landscape architecture.

II.

That Chapter 44, Vegetation, Article II Landscaping, Division 1 Generally Code of Ordinances, City of Elgin, Texas, is hereby amended by modifying Section 44-23 Definitions, *Director of Planning*, et. seq. which shall read as follows:

Sec. 44-23. Definitions.

Director of planning means the city's ~~director of planning and~~ development services director or ~~his~~ their designee.

III.

That Chapter 44, Vegetation, Article II Landscaping, Division 1 Generally Code of Ordinances, City of Elgin, Texas, is hereby amended by modifying Section 44-23 Definitions, *New Development*, et. seq. which shall read as follows:

Sec. 44-23. Definitions.

~~New development means new plats, replats, new subdivisions, and resubdivisions commenced after January 8, 2013.~~

IV.

That Chapter 44, Vegetation, Article II Landscaping, Division 3 Generally Requirements and Standards, Code of Ordinances, City of Elgin, Texas, is hereby amended by modifying Section 44-80 Residential requirements, subsection (b), et. seq. which shall read as follows:

Sec. 44-80. Residential requirements.

- (b) All newly planted trees shall be planted in a pervious area no less than three feet wide in any direction. In the street yard, a minimum of one large tree or two medium trees (either existing or planted) ~~and a minimum of ten three-gallon container size shrubs~~ per 50 linear feet of frontage shall

be included and replaced as necessary. The number of trees required under this provision may be prorated with the approval of the director of planning based on the actual length of the frontage. Approved species of trees and shrubs can be found in appendix A of Native and Adapted Landscape Plants, An Earthwise Guide for Central Texas, Texas AgriLife Extension, latest edition. Alternate species and landscape methods may be submitted and approved at the discretion of the director of planning. All new trees shall have a minimum two-inch caliper size at the time of installation.

V.

- A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.
- B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.
- C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

READ, PASSED, and ADOPTED on this 15th day of November, 2022.

THERESA Y. MCSHAN, Mayor
City of Elgin, Texas

ATTEST:

JENNIFER STUBBS, City Secretary



Development Services Department

STAFF REPORT

Modification of Ch. 44, City Code regarding Vegetation.

Date: October 25, 2022

Hearing Date: City Council – November 15, 2022

REQUEST SUMMARY

City Staff is seeking to modify Chapter 44, Vegetation Code. These changes will remove challenging standards for residential landscaping, restrict administrative discretion, & modernize language. The major changes are indicated below:

Sec. 44-22: Landscape Plans.

Removes broad discretion from Director to waive landscape plan requirements and only allows if for single-family and two-family lots.

Sec. 44-23: Definitions.

Removal of “new developments” & revision to “Director of Planning”.

Sec. 44-80: Residential Requirements.

Removes the requirement for minimum amount and size of shrubs on residential lots.



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: AN ORDINANCE TO ESTABLISH A COMPREHENSIVE SCHEDULE OF FEES AND CHARGES NECESSARY TO GENERATE FUNDING FOR GENERAL AND SPECIFIC OPERATIONS REQUIRED TO SATISFY SERVICE NEEDS OF THE CITY; TO AMEND ORDINANCE 2022-09-27-33 AND SUBSEQUENT AMENDMENTS TO THAT ORDINANCE; ESTABLISH CATEGORIES OF FEES AND CHARGES; REVISE EXISTING RATES; RECONFIRM EXISTING RATES; PROVIDE FOR A SAVINGS CLAUSE; REPEAL CONFLICTING ORDINANCES OR RESOLUTIONS; AND PROVIDE THAT THIS ORDINANCE SHALL BECOME EFFECTIVE AS STATED HEREIN.

DEPARTMENT: City Manager and Development Services

PROPOSED ACTION: Consider Ordinance for adoption

BACKGROUND: For ease of administration and analysis of the range of fees that have been established, it was recommended that the City Council adopt an updated comprehensive Fee Schedule that became an Appendix to the Annual Operating Budget for the City. However, there was difficulty in integrating the current sign fee schedule in the new permitting system and there were updates to fire inspections fees per the Contract with Watkins Consulting. The Ordinance proposed here will accomplish the same objective by specifying all fees and charges listed in EXHIBIT A, that will be effective and valid beginning November 16, 2022, through September 30, 2023.

BUDGET/FINANCIAL IMPACT:

Funding for this item was {} included {X} not included in the current-year budget {} N/A

Finance Approval: *Marty Coursey, Interim Finance Director* Date: November 1, 2022

RECOMMENDATION: Recommended for adoption

ATTACHMENTS: Ordinance adopting the updated fee Schedule for FY 2022-23.

{ } Staff will be making a detailed presentation on this agenda item at the meeting.

{X} Staff will provide brief comments and answer questions on this item at the meeting.

{ } This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

ORDINANCE NO:

AN ORDINANCE TO UPDATE THE COMPREHENSIVE SCHEDULE OF FEES AND CHARGES NECESSARY TO GENERATE FUNDING FOR GENERAL AND SPECIFIC OPERATIONS REQUIRED TO SATISFY SERVICE NEEDS OF THE CITY; TO AMEND ORDINANCE 2020-10-13-29 AND SUBSEQUENT AMENDMENTS TO THAT ORDINANCE; ESTABLISH NEW CATEGORIES OF FEES AND CHARGES; REVISE EXISTING RATES; RECONFIRM EXISTING RATES; PROVIDE FOR A SAVINGS CLAUSE; REPEAL CONFLICTING ORDINANCES OR RESOLUTIONS; AND PROVIDE THAT THIS ORDINANCE SHALL BECOME EFFECTIVE AS STATED HEREIN

WHEREAS, the City Council adopted Ordinance 2020-10-13-29 on September 13, 2020 that adopted an Ordinances codifying among other things a series of fees and charges that were authorized to be collected for services rendered by the City; and

WHEREAS, the City Council has from time to time revised fees and charges based on need for additional funding to cover increased costs of services funded by said fees; and

WHEREAS, a single comprehensive schedule of fees and charges facilitates administration of the multiplicity of fees collected by various departments in the City and provides a simpler and less complicated means of reviewing and adjusting rates as needed from time to time;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ELGIN, TEXAS that

SECTION 1. All fees and charges listed in "EXHIBIT A" attached hereto and incorporated herein for all purposes are hereby adopted.

SECTION 2. All fees and charges listed in "EXHIBIT A" shall be effective and valid beginning November 16, 2022, through September 30, 2023.

SECTION 3. All fees authorized by the Code of Ordinances and referenced as "on file in the City Secretary's office" are shown in EXHIBIT A as incorporated herein.

SECTION 4. All ordinances, parts of ordinances or resolutions in conflict herewith are expressly repealed.

SECTION 5. The invalidity of any section or provision of this Ordinance shall not invalidate other sections or provisions thereof.

SECTION 6. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted, was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject

matter hereof was discussed, considered, and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended, and the Act.

READ AND APPROVED ON THIS 15TH DAY OF NOVEMBER 2022.

BY:

THERESA Y. MCSHAN, Mayor

ATTEST:

JENNIFER STUBBS, City Secretary

EXHIBIT A

ORDINANCE NO.

**FEE SCHEDULE
CITY OF ELGIN**

**FISCAL YEAR
2022-23**

Ending September 30th, 2023

APPENDIX A - CITY OF ELGIN SCHEDULE OF FEES

Sect.	Category	Effective Date
A	General Administration	On and after 11/16/2022
A.1	ROW Abandonment	County Fee + \$15.00 Admin. + \$4.00 each add'l page
A.2	Street / Alley Closing or	County Fee + \$15.00 Admin. + \$4.00 each add'l page
A.3	Public Info. Requests - Copying fees	See: TX Admin Code
A.4	Copy/Fax Fee's - Non Pub Info Request	
A.4.1	10 Pages or less -	10¢ each
A.4.2	11-20 Pages -	\$2.50 + 10¢ each
A.4.3	>21 pages-	\$5.00 + 10¢ each
A.4.4	Two Sided Copies -	20¢ each
A.4.5	Postage and Shipping	Actual Costs
A.4.6	Out going Faxes-	\$1.50 Cover sheet/first page, \$2.00 each additional page
A.4.7	In-coming Faxes -	\$.50 each page
A.5	Film Production Fees	
A.5.1	Application Fee	\$200.00*
A.5.2	Total Disruptive use public bldg or ROW	\$500 per day
A.5.3	Partial use of public bldg or ROW	\$250 per day
A.5.4	Total closure street or parking	\$50 per block per day
A.5.5	Partial use of public bldg or ROW	\$25 per block per day
A.5.6	Use of city parking lots, or streets for parking film trailers, buses, etc.	\$100 minimum per lot or block per day
A.5.7	Disruption of access by customers to work site.	Minimum \$500 per day
A.5.8	Barricade rental	\$5.00 per barricade \$50.00 minimum
* Film Production application fee waived for student films		
A.6	Historic District Fees	
A.6.1	Application for Modification Permit	\$50.00
A.6.2	Sign Permit	See Section V.8
A.6.3	Temporary Banner Permit	\$25.00
A.7	Miscellaneous Financial Fees	
A.7.1	Insufficient Funds Check	\$30.00
A.7.2	Bank Draft Return Fee	\$30.00
A.7.3	Credit Card Fee for Amts. < \$300	\$3.00 per transaction
A.7.4	Credit Card Fee for Amts. > \$300	1% of the transaction amount
A.7.5	Internet Processing Fee	
A.8	Notary Fees	
A.8.1	Notary Fee	\$6.00 first signature \$1.00 ea additional signature
A.8.2	Certified copies	\$6.00 per certificate \$0.50 ea page
A.8.3	Jurats	\$6.00 per signature including oath or affirmation
Sect.	Category	Effective Date
B	Elgin Library	On and after 11/16/2022
B.2	Elgin Library-	
B.2.1	Fines	\$0.10 per day past due date
B.2.2	Library Card (Residents)	\$0.00
B.2.3	Library Card (Non-Residents)	\$15.00
B.2.4	Library Card Replacement	\$1.00
B.2.5	Book Damage	Assessed by Librarian
B.2.6	Lost Book	Replacement Cost plus \$5.00.
B.2.7	Inter Library Loan	TSLAC Rates
B.3	Elgin Library- Printing and copies	
B.3.1	Prints - Black and White	\$0.20 each page
B.3.2	Copies	\$0.20 (B/W only each page)
Sect.	Category	Effective Date
C	Park and Recreation Fees	On and after 11/16/2022
C.1	Annual All-Purpose Memberships- Admission and Use of Recreation Facilities (Resident)	
C.1.1	Family *	\$300.00
C.1.2	Couple (2 people >17 years of age)	\$240.00
C.1.3	Individual Adult	\$180.00
C.1.4	Individual Senior (65+)	\$120.00
C.1.5	Individual Youth (< 18 years of age)	\$120.00
C.2	Annual All-Purpose Memberships- Non-resident	Add \$100.00 to each item C1.1 - C1.5 above.
C.3	Monthly All-Purpose Memberships- Resident	
C.3.1	Family *	\$30.00
C.3.2	Couple (2 people >17 years of age)	\$25.00
C.3.3	Individual Adult	\$20.00
C.3.4	Individual Senior (65+)	\$15.00
C.3.5	Individual Youth (< 18 years of age)	\$15.00
C.4	Monthly All-Purpose Memberships- Non-resident	
C.4.1	Family *	\$45.00
C.4.2	Couple (2 people >17 years of age)	\$40.00
C.4.3	Individual Adult	\$30.00
C.4.4	Individual Senior (65+)	\$25.00
C.4.5	Individual Youth(< 18 years of age)	\$25.00
* Family—Up to 4 adults or children living at the same address. Each additional child added to the family membership is an additional \$2.00/Month for monthly memberships and \$10.00/Year for yearly memberships.		
C.5	Daily Memberships-	
C.5.1	All Ages	\$5.00
C.6	Fees for Special Events	
C.6.1	Participant fees	Posted amounts not to exceed \$20.00 per person
C.6.2	Materials use fees	Posted amounts not to exceed \$20.00 per person
C.6	Sports Venue Rental/Use Fees	
C.6.1	Swimming Pool Use	
C.6.1.1	Admission Fee (Per Person)	\$2.00
C.6.1.2	Individual Season Pass	Free with Rec Membership
C.6.1.3	Water Aerobics Classes *	\$2.00/ class
* (Not included with Recreation Membership)		
C	Park and Recreation Fees (Cont.)	On and after 11/16/2022
C.6	Sports Venue Rental/Use Fees (Cont.)	
C.6.2	Softball Field Rental	\$8.00/ Hour per field
C.6.3	Volleyball Court Rental	\$5.00/ Hour per field
C.6.4	Basketball Court Rental	\$5.00/ Hour per field
C.6.5	Tennis Court Rental	\$5.00/ Hour per field
C.6.6	Soccer Field Rental	\$5.00/ Hour per field
C.6.7	Picnic Table Rental	\$5.00/ per table per day
Rental assures exclusive use by renter for the hours rented maximum 4 hours		
C.7	Swimming Pool Rental Rates *	
C.7.1	Deposit (refundable)	\$100.00
C.7.2	2 hours 1 - 50 participants	\$200.00
C.7.3	2 hours 51 - 100 participants	\$300.00

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C.7.4	2 hours 101 - 150 participants	\$400.00
C.7.5	3 hours 1 - 50 participants	\$250.00
C.7.6	3 hours 51 - 100 participants	\$350.00
C.7.7	3 hours 101 - 150 participants	\$450.00
C.7.5	2 or 3 hours 151 - 240 participants	Call for Rates

* (includes a minimum of 3 life guards (1:15 ratio))

C.8	Park Rental 24 hr	
C.8.1	Elgin Memorial Park	
C.8.1.1	Elgin Memorial Park (Main Pavilion)	\$100 daily plus Refundable deposit \$100.00
C.8.1.2	Elgin Memorial Park (Small Pavilion)	\$50 daily plus Refundable deposit \$100.00
C.8.1.3	Elgin Memorial Park (entire park)	\$800 daily plus Refundable deposit \$500.00
C.8.2	Goins Picnic Area	\$200.00
C.8.3	Shenandoah Park	\$300.00
C.8.4	Thomas Memorial Park	
C.8.4.1	Thomas Memorial Park Picnic Pavilion	\$75 daily plus Refundable deposit \$100.00
C.8.4.2	Thomas Memorial Park Open Pavilion	\$50 daily plus Refundable deposit \$100.00
C.8.4.3	Thomas Memorial Entire Park	\$600 daily plus Refundable deposit \$500.00
C.8.5	Veteran's Park	
C.8.5.1	Veteran's Park Gazebo	\$100 daily plus Refundable deposit \$100.00
C.8.5.2	Veteran's Park Entire Park	\$300 daily plus Refundable deposit \$500.00
C.8.6	Morris Memorial Park	\$400 daily plus Refundable deposit \$500.00
C.8.7	Supplemental Feature or Staff Fees	
C.8.7.1	Water Slide	\$35.00
C.8.7.2	Bounce House	\$35.00
C.8.7.3	Additional Staff	\$25.00 per hour per staff member
C.8.7.4	Special Event	\$25.00
C.8.7.5	Cancellation Fee	\$25.00
C.9	Recreation Building Rental	
C.9.1	Recreation Center Building	
C.9.1.1	Rental of Gym without Carpet	\$100.00 / hour + \$500.00 Refundable Deposit
C.9.1.2	Rental of Gym with Carpet	\$300.00 / hour + \$500.00 Refundable Deposit
C.9.1.3	Rental of Studio (Rec Center)	\$30.00 / hour + \$100.00 Refundable Deposit
C.9.1.4	Rental of Kitchen (Rec Center)	\$150.00 / hour + \$500.00 Refundable Deposit
C.9.2	Fleming Center	
C.9.2.1	Fleming Center Grand Hall Rental	\$30.00 / hour + \$100.00 Refundable Deposit
C.9.2.2	Fleming Center Studio Rental	\$20.00 / hour + \$100.00 Refundable Deposit
C.9.2.3	Fleming Center Meeting Room Rental	\$20.00 / hour + \$100.00 Refundable Deposit

Sect.	Category	Effective Date
D	Business License Fees	On and after 11/16/2022
D.1	New Mfg. Home Park Permit	\$500.00
D.2	Alcoholic Beverage License and Permits	
D.2.1	Alcoholic Beverage License	50% of TABC Fee
D.2.2	Liquor Permits	50% of TABC Fees
D.2.3	Beer Licenses	50% of TABC Fees
D.3	Solicitor's Permits	
D.3.1	30 Day Distributor Permit	\$25.00 / group
D.3.2	90 Day Paddler Permit	\$25.00 / each
D.3.3	30 Day Solicitor Permit	\$25.00 / each
D.3.4	14 Day Itinerant Vendor Permit	\$25.00 / each
D.3.5	30 Day Itinerant Vendor Permit	\$35.00 / each
D.3.6	90 Day Itinerant Vendor Permit	\$75.00 / each
D.3.7	180 Day Itinerant Vendor Permit	\$100.00 / each

Sect.	Category	Effective Date
E	Police Department Fees	On and after 11/16/2022
E.1	Police Operation Fees	
E.1.1	Printed Police Reports (CAD,Offense)	\$0.10 per page
E.1.2	CRASH Reports	\$6.00 per report
E.1.3	Audio-Photos	\$1.00 per CD (CD-RW)
E.1.4	In-Car Camera Video	\$3.00 per DVD
E.1.5	Body Worn Camera Footage	impoundment fee
E.1.6	Other Electronic Media (USB)	\$3.00 per DVD
E.1.7	Labor (Locating, compiling, reproduction)	\$15.00 per hour
E.1.8	EPD Escort Fees	\$45.00 per hr per Officer plus \$15.00 per vehicle
E.1.8	SRO Fees to EISD per Contract	SRO Fees to EISD per Contract
E.2	Animal Control Fees	
E.2.1	Animal Pickup/Impoundment Fee (Licensed)	\$15.00 per day
E.2.2	Animal Pickup/Impoundment Fee (Unlicensed)	\$35.00 per day
E.2.3	Dogs Running at Large (Licensed)	\$25.00
E.2.4	Dogs Running at Large (Unlicensed)	\$50.00
E.2.5	Keeping Wild Animals	\$100.00 fine 10 days to remove
E.2.6	Keeping Livestock	\$100.00 fine 30 days to remove
E.2.7	Livestock at large	\$50.00
E.2.8	Fowl/ at Poultry at Large	\$25.00
E.2.9	Livestock Impoundment:	
E.2.9.1	Large Animal (horse/cow)	\$100.00
E.2.9.2	Medium Animal (goat/sheep)	\$35.00
E.2.9.3	Fowl/Poultry	\$5/head
E.2.10	Animals Surrendered	\$15.00

Sect.	Category	Effective Date
F	Municipal Court Fees	On and after 11/16/2022
F.1	Dismissal Fee	\$10.00
F.2	Warrant for Arrest Fee	\$50.00

Sect.	Category	Effective Date
J	Utility Charges and Fees	On and after 11/16/2022
J.1	Reserved	

J.2	Application Fee and Deposits for Services	
J.2.1	App Fee Water Only	\$25.00
J.2.2	Residential Water 3/4" to 1"Meter	\$200.00
J.2.3	Irrigation accts.3/4" to 1"Meter	\$200.00
J.2.4	Irrigation accts. 1 1/2" Meter	\$250.00
J.2.5	Commercial 3/4" to 1" Meter	\$200.00
J.2.6	Commercial 1 1/2 " Meter	\$250.00
J.2.7	Commercial 2" Meter	\$300.00
J.2.8	Commercial 3" Meter	\$400.00
J.2.9	Commercial 4" Meter	\$500.00
J.2.10	Commercial > 4" Meter	\$600.00

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J.4	Miscellaneous Fees and Charges	
J.4.1	Transfer of Service Fee	\$20.00
J.4.2	Temporary Service Fee	\$50.00 Deposit for 5 days(<3K gal return \$20.00)
J.4.3	Bulk Water Volume Rate	6.02/1,000 gal.
J.4.4	Utility Service Late Fee	10% of balance owed on Utility Bill
J.4.6	Scheduled Disconnect / Reconnection Fee	\$75.00
J.4.7	After Hour Service	\$50.00
J.4.8	Broken Lock Fee	\$50.00
J.4.9	Meter Tampering Fee	\$100.00
J.4.10	Curb Stop Replacement Fee	\$60.00

**(Unoccupied Residence / Commercial Structure) In the event the meter indicates usage; the account will automatically be reset to active bill* status and the account will be invoiced for a deposit + consumption.*

Sect.	Category	Effective Date
K	Water Rates	On and after 11/16/2022
K.1	Monthly Base Rate by meter size (Incl. 0 - 2,000 gallons consumption) Inside City Limits	
K.1.1	3/4" Meter	\$45.00
K.1.2	1" Meter	\$66.50
K.1.3	1 1/2 " Meter	\$100.25
K.1.4	2" Meter	\$141.00
K.1.5	3" Meter	\$236.00
K.1.6	4" Meter	\$367.00
K.1.7	6" Meter or Equivalent	\$485.00

K.2	Monthly Base Rate by meter size (Incl. 0 - 2,000 gallons consumption) Outside City Limits	
K.2.1	3/4" Meter	\$65.00
K.2.2	1" Meter	\$97.25
K.2.3	1 1/2 " Meter	\$147.88
K.2.4	2" Meter	\$216.50
K.2.5	3" Meter	\$351.50
K.2.6	4" Meter	\$548.00
K.2.7	6" Meter or Equivalent	\$725.00

K	Water Rates (Cont.)	On and after 11/16/2022
K.3	Water Volume Rate (Use per 1,000 > 2,000 gallons per month) Inside City Limits	
K.3.1	Consumption 2,001 to 4,999 gal.	\$4.01 per 1,000 gallons
K.3.2	Consumption 5,000 to 8,999 gal.	\$4.07 per 1,000 gallons
K.3.3	Consumption 9,000 to 12,999 gal.	\$4.26 per 1,000 gallons
K.3.4	Consumption > 12,999 gal.	\$4.44 per 1,000 gallons
K.4	Water Volume Rate (Consumption per 1,000 gallons per month) Outside City Limits	
K.4.1	Consumption 2,001 to 4,999 gal.	\$6.02 per 1,000 gallons
K.4.2	Consumption 5,000 to 8,999 gal.	\$6.11 per 1,000 gallons
K.4.3	Consumption 9,000 to 12,999 gal.	\$6.39 per 1,000 gallons
K.4.4	Consumption > 12,999 gal.	\$6.66 per 1,000 gallons
K.5	Water Tap Fees*	
K.5.1	3/4" Tap	\$2,000.00
K.5.2	1" Tap	\$2,500.00
K.5.3	1 1/2" Tap	\$3,000.00
K.5.4	2" Tap	\$3,500.00
K.5.5	> 2" Labor, Equip. & Mat. Cost + 10 %	L.E. & M Cost + 10%

** An additional charge of \$500.00 will be assessed if the street has to be cut or a bore has to be made to make the tap*

K.6	Meter Set Fees by size of meter	
K.6.1	3/4" Tap	\$150.00
K.6.2	1" Tap	\$200.00
K.6.2	1 1/2" Tap	\$400.00
K.6.2	2" Tap	\$500.00
K.6.2	> 2" Tap	Cost + 10%

Sect.	Category	Effective Date
L	Wastewater Rates	On and after 11/16/2022
L.1	Application Fee	
L.1.1	Sewer Only	\$15.00
L.2	Monthly Base Rate (Incl. 0 - 2,000 gallons consumption)	
L.2.1	Residential/Commercial	\$35.00
L.3	Monthly Volume Rate	
L.3.1	Residential Volume Rate - > 2,000 gal. (Rate based on Winter average from Nov.to Feb.)	\$4.01 per 1,000 gal.
L.3.2	Commercial Volume Rate - > 2,000 gal. (No winter Average)	\$4.01 per 1,000 gal.
L.4	MUD Wastewater rates per 1,000 gallons used	
L.4.1	Travis Co. MUD # 14 Elm Creek	

L.5	Sewer Tap Fees*	
L.5.1	4" Tap	\$2,000.00
L.5.2	6" Tap	\$2,500.00
L.5.3	8" Tap	\$3,000.00
L.5.4	> 8" Tap	L.E. & M Cost + 10%

** An additional charge of \$500.00 will be assessed if the street has to be cut or a bore has to be made to make the tap*

Sect.	Category	Effective Date
Q	Solid Waste Collection/Disposal	On and after 11/16/2022
Q.1	Residential Rate- Once weekly curbside collection	
Q.1.1	1 Cart	\$22.46/month
Q.1.2	2 Carts	\$29.96/month
Q.1.3	3 Carts	\$33.95/month
Q.1.4	4 Carts	\$37.94/month
Q.1.5	Sr. Citizen (65 or older.)	\$15.80/month
Q.2	Commercial - Cart Service (Number of Carts and Frequency of Service)	
Q.2.1	1 cart x once weekly	\$30.10/month
Q.2.2	2 carts x once weekly	\$46.79/month
Q.2.3	3 carts x once weekly	\$63.74/month
Q.2.4	4 carts x once weekly	\$79.32/month
Q.2.5	1 cart x twice weekly	\$46.79/month
Q.2.6	2 carts x twice weekly	\$68.37/month
Q.2.7	3 carts x twice weekly	\$101.97/month
Q.3	Commercial- Dumpsters	
Q.3.1.1	2 Cu. Yard 1x Weekly	\$97.82/month

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Q.3.1.2	2 Cu. Yard 2x Weekly	\$192.49/month
Q.3.1.3	2 Cu. Yard 3x Weekly	\$284.46/month
Q.3.1.4	2 Cu. Yard 4x Weekly	\$540.38/month
Q.3.1.5	2 Cu. Yard 5x Weekly	\$463.02/month
Q.3.2.1	3 Cu. Yard 1x Weekly	\$107.50/month
Q.3.2.2	3 Cu. Yard 2x Weekly	\$183.32/month
Q.3.2.3	3 Cu. Yard 3x Weekly	\$270.91/month
Q.3.2.4	3 Cu. Yard 4x Weekly	\$360.25/month
Q.3.2.5	3 Cu. Yard 5x Weekly	\$440.97/month
Q.3.3.1	4 Cu. Yard 1x Weekly	\$129.18/month
Q.3.3.2	4 Cu. Yard 2x Weekly	\$214.73/month
Q.3.3.3	4 Cu. Yard 3x Weekly	\$336.51/Month
Q.3.3.4	4 Cu. Yard 4x Weekly	\$444.51/month
Q.3.3.4	4 Cu. Yard 5x Weekly	\$553.43/month
Q.3.4.1	6 Cu. Yard 1x Weekly	\$164.66/month
Q.3.4.2	6 Cu. Yard 2x Weekly	\$287.90/month
Q.3.4.3	6 Cu. Yard 3x Weekly	\$419.73/month
Q.3.4.4	6 Cu. Yard 4x Weekly	\$551.55/month
Q.3.4.5	6 Cu. Yard 5x Weekly	\$707.07/month
Q.3.5.1	8 Cu. Yard 1x Weekly	\$188.90/month
Q.3.5.2	8 Cu. Yard 2x Weekly	\$341.53/month
Q.3.5.3	8 Cu. Yard 3x Weekly	\$514.75/month
Q.3.5.4	8 Cu. Yard 4x Weekly	\$658.84/month
Q.3.5.5	8 Cu. Yard 5x Weekly	\$837.74/month
Q.4	Commercial- Dumpsters Service Fees	
Q.4.1	Commercial Front End Load Delivery Fee	\$52.50
Q.4.2	Extra Lift Fee	\$126.00
Q.4.3	Extra Yardage Fee	\$36.75
Q.5	Trash Service Application Fee	
		\$10.00
Sect.	Category	Effective Date
V.	Development Services	On and after 11/16/2022
*All fees must be paid prior to permits being issued or item being scheduled for hearing, whichever is applicable.		
V.1	Fees common to other activities as referenced below. *	
V.1.1	Professional Recovery Fees (PRF)	115% of cost for consultant review.
V.1.2	Renoticing Fees For Items Requiring Public Hearing	
V.1.2.1	Newspaper Notice	125% of newspaper publishing costs
V.1.2.2	Fee per Notice sign	\$35.00
V.1.2.3	Fee per letter for 200' notice	\$7.00
V.1.3	Work without City Approval Penalty	
V.1.3.1	Subdivision Construction	\$1,500
V.1.3.2	Site Development	\$1,500
V.1.3.3	W/O Permit	Double Cost of Permit Fee or \$1,000, whichever is least
V.2	Zoning and Land Use *	
V.2.1	Annexation Petition	\$0.00
V.2.2	Annexation Development Agreement	\$0.00
V.2.3	Other Development Agreement	\$2,500.00 + PRF
V.2.4	Development Agreement Modification	\$1,250.00 + PRF
V.2.5	Comprehensive Plan Amendment	\$725.00 + PRF
V.2.6	Specific Use Permit	\$600.00 + PRF
V.2.7	Zoning Variance	\$600.00 + PRF
V.2.8	Special Exception	\$600.00 + PRF
V.2.9	Zoning Change - PDD Rezoning	
V.2.9.1	< 5 Acres	\$1,250 + PRF
V.2.9.2	5 Acres to 10 Acres	\$2,500 + PRF
V.2.9.3	> 10 Acres	\$5,000 + PRF
V.2.10	Zoning Change - Non PDD Rezoning	
V.2.10.1	< 3 Acres	\$600.00 + PRF
V.2.10.2	3 Acres to 10 Acres	\$1,000.00 + PRF
V.2.10.3	> 10 Acres	\$2,000.00 + PRF
V.2	Zoning and Land Use * (Cont.)	
V.2.11	PDD Zoning Modification	
V.2.11.1	< 5 Acres	\$625.00 + PRF
V.2.11.2	5 Acres to 10 Acres	\$1250.00 + PRF
V.2.11.3	> 10 Acres	\$2,500.00 + PRF
V.2.12	Misc. Zoning Fees and Charges	
V.2.12.1	Special Purpose Dist. (i.e. MUD or PID)	\$20,000.00 + PRF
V.2.12.2	Appeals	\$500.00 + PRF
V.2.12.3	Zoning Verification Letter	\$65.00
V.	Development Services (Cont.)	On and after 11/16/2022
V.3	Plats *	
V.3.1	Concept Plan	\$1,000.00 + PRF
V.3.2	Preliminary Plat	\$50.00 per lot or \$1,000.00, whichever is greater + PRF
V.3.3	Preliminary Plat Amendment	\$50.00 per lot or \$600.00, whichever is greater + PRF
V.3.4	Final Plat	\$55.00 or \$850.00, whichever is greater + PRF
V.3.5	Short Form Plat	\$600.00 + PRF
V.3.6	Replat	\$55.00 per lot or \$850.00, whichever is greater + PRF
V.3.7	Plat Amendment	\$600.00 + PRF
V.3.8	Plat Vacation	\$600.00 + PRF
V.3.9	Subdivision Variance	\$600.00 + PRF
V.3.10	Appeal	\$600.00 + PRF
V.3.11	Parkland Fee	\$800.00 per residential lot
V.3.12	Tree removal or replacement	
V.3.12.1	Significant Tree Removal (8"-13" caliper)	\$50.00 per caliper inch
V.3.12.2	Significant Tree Removal (14"-19" caliper)	\$150.00 per caliper inch
V.3.12.3	Heritage Tree Removal (20" or more caliper)	\$300.00 per caliper inch
V.3.12.4	Payment-in-lieu fee for not replacing trees in V.3.12.1 - V.3.12.3	\$150.00 per caliper inch
V.4	Subdivision Construction Plans *	
V.4.1	New Subdivision Construction Plan	Greater of 3.5% of est. cost of infrastructure conveyed to City or \$5,000 + PRF
V.4.2	Revisions to Approved Subdivision Construction Plans	\$500 + PRF
V.4.3	Inspections	PRF
V.4.4	Sidewalk-In-Lieu Fee	Actual market value per City Engineer
V.5	Site Development Plans *	
V.5.1	New Site Development Plan Outside Historic Dist.	\$5,000.00 + PRF
V.5.2	New Site Development Plan Inside Historic Dist.	\$1,000.00 + PRF
V.5.3	Revisions to Approved Plans	\$500.00 + PRF
V.5.4	Parkland Fee	\$800.00 per dwelling unit
V.5.5	Inspections	PRF
V.5.6	Tree removal or replacement	
V.5.6.1	Significant Tree Removal (8"-13" caliper)	\$50.00 per caliper inch

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V.5.6.2	Significant Tree Removal (14"-19" caliper)	\$150.00 per caliper inch
V.5.6.3	Heritage Tree Removal (20" or more caliper)	\$300.00 per caliper inch
V.5.6.4	Payment-in-lieu fee to replace trees in V.5.6.1 - V.5.6.3	\$150.00 per caliper inch
V.5.7	Sidewalk-In-Lieu Fee	Actual market value per City Engineer
V.	Development Services (Cont.)	On and after 11/16/2022
V.6	Building Permits *	
V.6.1	Residential Building Permits and Fees	
V.6.1.1	Trade Permits (electrician, mech., plumb., gas)	\$75.00
V.6.1.2	New Building Permit Fee	\$0.60 per sq. ft., maximum \$2,000 + PRF
V.6.1.3	Addition Building Permit Fee	\$0.60 per sq. ft., maximum \$2,000 + PRF
V.6.1.4	Industrialized Home	\$0.30 per sq. ft., maximum \$1,000 + PRF
V.6.1.5	HUD Manufactured Mobile Home	\$0.30 per sq. ft., maximum \$500 + PRF
V.6.1.6	1st and 2nd Subsequent Inspection not Demo	\$75.00 + PRF
V.6.1.7	1st and 2nd Subsequent Inspection Demo	\$0.00
V.6.1.8	3rd and Additional Subsequent Inspection Not Demo	\$100.00 + PRF
V.6.1.9	3rd and Additional Subsequent Inspection Demo	\$0.00
V.	Development Services (Cont.)	On and after 11/16/2022
V.6.2	Commercial Building Permits and Fees	
V.6.2.1	Trade Permits (electrician, mech., plumb., gas)	\$75.00
V.6.2.2	Multi-family Site Built New/Addition Building	\$0.40 per square ft., maximum \$3,000 + PRF
V.6.2.3	Site Built New Bldg. Permit Shell/Finish Out Together	\$0.70 per sq. ft., maximum \$7,000 + PRF
V.6.2.4	Site Built New Building Permit Shell Only	\$0.35 per sq. ft., maximum \$3,500 + PRF
V.6.2.5	Site Built New Building Permit Tenant Finish Out Only	\$0.35 per sq. ft., maximum \$3,500 + PRF
V.6.2.6	Site Built Addition Bldg. Permit Fee Shell & Finish Out Together Fee	\$0.70 per sq. ft., maximum \$7,000 + PRF
V.6.2.7	Site Built Addition Building Permit Shell Only	\$0.35 per sq. ft., maximum \$3,500 + PRF
V.6.2.8	Site Built Addition Bldg. Permit Tenant Finish Out Only	\$0.35 per sq. ft., maximum \$3,500 + PRF
V.6.2.9	Industrialized Building	\$0.35 per sq. ft., maximum \$3,500 + PRF
V.6.2.10	1st and 2nd Subsequent Inspection Not Demo	\$100.00 + PRF
V.6.2.11	1st and 2nd Subsequent Inspection Demo	\$0.00
V.6.2.12	3rd and Additional Subsequent Inspection Not Demo	\$125.00 + PRF
V.6.2.13	3rd and Additional Subsequent Inspection Demo	\$0.00
V.	Development Services (Cont.)	On and after 11/16/2022
V.6.3	Misc. Building Permits, Fees and Fines	
V.6.3.1	Demolition Permit	\$0.00
V.6.3.2	House or Structure Moving Fee	\$0.00
V.6.3.3	Patio/Deck Permit	\$200.00 + PRF
V.6.3.4	Flatwork (sidewalks, driveway, curb cut)	\$200.00 + PRF
V.6.3.5	Temporary Certificate of Occupancy	\$250.00 + PRF
V.6.3.6	Permanent Certificate of Occupancy	\$100.00 + PRF
V.6.3.7	Appeal	\$500.00 + PRF
V.6.3.8	Occupation of bldg. prior to CO issuance	\$200.00
V.6.3.9	Wireless Communications Facilities	\$150.00 + PRF
V.6.3.10	Modification of Postal Address by Owner	\$50.00
V.6.3.11	Building Permit Extension	one-half (1/2) of building permit fee
V.6.3.12	Sidewalk-in-lieu Fee	\$4.75 per square foot
V.6.3.13	Remodel	\$200.00 + PRF
V.6.3.14	Reroof	\$200.00 + PRF
V.6.3.15	Pool/Spa	\$150.00 + PRF
V.6.3.16	Accessory Building	\$75.00 + PRF
V.6.4	Building Code Variance	\$600.00 + PRF
 Sect.	Category	Effective Date
V.	Comm. Development/Planning (Cont.)	On and after 11/16/2022
V.7	Fire Protection *	
V.7.1	Fire Plan Review - Fire Suppression/Alarm/Vent Hood	
V.7.1.1	Review	\$90.00 per hour. 1 hour minimum.
V.7.2	Fire Plan Review - Site Dev., Plat. and Subdivision Construction	
V.7.2.1	Review	\$90.00 per hour. 1 hour minimum.
V.7.3	Fire Plan Review - New Construction & Remodel	
V.7.3.1	First Review	\$115.00 per project + \$0.20 / SF \$115.00 per project + \$0.10 / SF up to 10,000 sq. ft. & additional \$190.00 for every 10,000 sq. ft. thereafter.
V.7.3.2	Subsequent Review	\$90.00 flat fee \$75.00 per hour
V.7.4	Fire Plan Review - Shell Building	
V.7.4.1	First Review	\$75.00 per project + \$0.10 / SF \$115.00 per project + \$0.10 / SF up to 10,000 sq. ft. & additional \$190.00 for every 10,000 sq. ft. thereafter.
V.7.4.2	Subsequent Review	\$90.00 flat fee \$75.00 per hour
V.7.5	Fire Plan Review - Tenant Improvement / Finish Out	
V.7.5.1	First Review	\$85.00 per project + \$0.15 / SF \$115.00 per project + \$0.10 / SF up to 10,000 sq. ft. & additional \$190.00 for every 10,000 sq. ft. thereafter.
V.7.5.2	Subsequent Review	\$65.00 flat fee \$75.00 per hour
V.7.6	Fire Inspections	
V.7.6.1	First Inspection	\$115.00 per hour; \$75.00 each additional hour. 1 hour minimum
V.7.6.2	Subsequent Inspection	\$100.00 per hour; \$70.00 each additional hour. 1 hour minimum
V.7.7	Fire Code Variance	\$600.00 + PRF
 Sect.	Category	Effective Date
V.	Comm. Development/Planning (Cont.)	On and after 11/16/2022
V.8	Signage Fees *	
V.8.1	Signage Fees General	
V.8.1.1	Signage Master Plan Outside Historic Districts	\$300.00 + PRF
V.8.1.2	Signage Master Plan Within Historic Districts	\$100.00 + PRF
V.8.1.3	Signage Master Plan Modification Outside Historic Districts	\$150.00 + PRF
V.8.1.4	Signage Master Plan Modification Within Historic Districts	\$75.00 + PRF
V.8.1.5	Sign Variance Outside Historic Districts	\$600.00 + PRF
V.8.1.6	Sign Variance Within Historic Districts	\$300.00 + PRF
V.8.1.7	Awning Sign Fee Outside Historic Districts	\$75.00 + PRF
V.8.1.8	Awning Sign Fee Within Historic Districts	\$50.00 + PRF
V.8.1.9	Bulletin Board Sign Outside Historic Districts	\$75.00 + PRF
V.8.1.10	Bulletin Board Sign Within Historic Districts	\$25.00 \$70.00 + PRF
V.8.1.11	Canopy Sign Outside Historic Districts	\$75.00 + PRF
V.8.1.12	Canopy Sign Within Historic Districts	\$50.00 + PRF
V.8.1.13	New Changeable Copy Sign Outside Historic Districts	\$75.00 + PRF
V.8.1.14	New Changeable Copy Sign Within Historic Districts	\$50.00 + PRF
V.8.1.15	Changeable Copy Sign Reface	\$50.00 + PRF
V.8.1.16	New Freestanding Sign Outside Historic Districts	\$5.50 sq. ft., maximum \$200.00 \$70.00 + PRF
V.8.1.17	Freestanding Sign Reface Outside Historic Districts	\$2.25 sq. ft., maximum \$50.00 \$35.00
V.8.1.18	New Freestanding Sign Within Historic Districts	\$50.00 + PRF
V.8.1.19	Freestanding Sign Reface Within Historic Districts	\$25.00 + PRF
V.8.1.20	Painted Sign Outside Historic Districts	\$75.00 + PRF
V.8.1.21	Painted Sign Within Historic Districts	\$25.00 + PRF \$35.00
V.8.1.22	Political Election Sign Outside Historic Districts	\$0.00
V.8.1.23	Political Election Sign Within Historic Districts	\$0.00
V.8.1.24	New Projecting Sign Outside Historic Districts	\$5.50 sq. ft., maximum \$200.00 + PRF \$70.00 + PRF
V.8.1.25	Projecting Sign Reface Outside Historic Districts	\$2.25 sq. ft., maximum \$50.00 + PRF \$35.00 + PRF
V.8.1.26	New Projecting Sign Within Historic Districts	\$50.00 + PRF
V.8.1.27	Projecting Sign Reface Within Historic Districts	\$25.00 + PRF

APPENDIX A - CITY OF ELGIN SCHEDULE OF FEES

V.8	Signage Fees (Cont.) *	
V.8.1.28	Temp. Sign (i.e banner, sidewalk) Outside Historic Dist.	\$50.00 \$35.00
V.8.1.29	Temp. Sign (i.e banner, sidewalk) Within Historic Dist.	\$25.00-
V.8.1.30	New Wall Sign Outside Historic Districts	\$5.50 sq. ft., maximum \$200.00 + PRF - \$70.00
V.8.1.31	Wall Sign Reface Outside Historic Districts-	\$2.25 sq. ft., maximum \$50.00 + PRF \$35.00
V.8.1.32	New Wall Sign Within Historic Districts	\$50.00 + PRF
V.8.1.33	Wall Sign Reface Within Historic Districts-	\$25.00 + PRF
V.8.1.34	New Window Sign Outside Historic Districts	\$75.00-
V.8.1.35	New Window Sign Within Historic Districts-	\$25.00-
V.8.2	Signage Inspection Fees	
V.8.2.1	Painted Signs Outside Historic District Inspections	\$25.00 \$35.00 + PRF
V.8.2.2	Painted Signs Inside Historic District	\$25.00 + PRF
V.8.2.3	Freestanding, Projecting, & Wall Signs Outside Historic District	\$75.00 + PRF
V.8.2.4	Freestanding, Projecting, & Wall Signs Inside Historic District	\$25.00 + PRF
V.8.2.5	Temporary Signs Outside Historic District	\$25.00-
V.8.2.6	Temporary Signs Inside Historic District	\$0.00-
V.8.2.7	All Other Permanent Signs Outside Historic District	\$50.00 + PRF
V.8.2.8	All Other Permanent Signs Inside Historic District	\$25.00 + PRF



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Adjourn into Executive Session pursuant to Section §551.072 Deliberations about Real Property: to receive a staff briefing and deliberate the purchase, exchange, lease, or value of certain real property located at 228 Littig Road

DEPARTMENT: City Manager

PROPOSED ACTION:

Consider information presented by staff in Executive Session.

BACKGROUND:

Under Texas Open Meetings law, there are seven exceptions that generally authorize closed meetings, also known as “Executive Sessions.” The exceptions include discussions involving: (1) purchase or lease of real property; (2) security measures; (3) receipt of gifts; (4) consultation with attorney; (5) personnel matters; (6) economic development; and (7) certain homeland security matters. However, any and all final actions, decisions, or votes of the Elgin City Council related to such Executive Session items will be made in an open meeting

BUDGET/FINANCIAL IMPACT:

Funding for this item was { } included { } not included in the current-year budget {X}
N/A

RECOMMENDATION:

Consider information presented by staff in Executive Session; and direction to staff, if any, as appropriate.

ATTACHMENTS:

None.

- { } Staff will be making a detailed presentation on this agenda item at the meeting.
- { } Staff will provide brief comments and answer questions on this item at the meeting.
- {X} This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience