



NOTICE OF THE CITY OF BRECKENRIDGE  
**REGULAR MEETING OF THE BRECKENRIDGE CITY  
COMMISSION**

February 10, 2026 at 5:30 PM

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**AGENDA**

Notice is hereby given as required by Title 5, Chapter 551.041 of the Government Code that the City Commission will meet in a Regular Meeting of the Breckenridge City Commission on February 10, 2026, at 5:30 PM at the Breckenridge City Offices, 105 N. Rose Avenue, Breckenridge, Texas. A Commissioner may attend this meeting via Zoom. The link to the live stream of the meeting will be available at [www.breckenridgetx.gov](http://www.breckenridgetx.gov) on February 10, 2026.

**CALL TO ORDER**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**American Flag**

**OPEN FORUM**

*This is an opportunity for the public to address the City Commission on any matter of public business, except public hearings. Comments related to public hearings will be heard when the specific hearing begins.*

**STAFF REPORT**

*(Staff Reports are for discussion only. No action may be taken on items listed under this portion of the agenda, other than to provide general direction to staff or to direct staff to place such items of a future agenda for action.)*

**City Manager**

1. City Business

Preliminary Park Scores

Project & Street Update

**City Secretary**

2. Upcoming Events

- 02/13 Last day for candidates to file for a place on the ballot
- 02/16 City Offices Closed for Presidents Day
- 02/17 Cemetery Cleanup begins
- 02/19 Bulk Pickup

**Public Works Director**

- 3. Employee of the Month-Chance Neely

**CONSENT AGENDA**

*Any commission member may request an item on the Consent Agenda to be taken up for individual consideration.*

- 4. Consider approval of the January 6, 2026, regular commission meeting minutes as recorded.
- 5. Consider approval of department head reports and monthly investment reports for December 2025.
- 6. Consider approval of Resolution 2026-01 appointing members to the Planning and Zoning Commission with a term set to expire February 28, 2029.
- 7. Consider approval of the 2025 annual Police Department Racial Profiling Report.
- 8. Consider approval of Resolution 2026-05 appointing a member to the Board of Adjustments.
- 9. Consider approval of an Interlocal for Municipal Court Services.
- 10. Consider approval of Resolution 2026-06 continuing membership in the Steering Committee of Cities Served by Oncor and the 2026 assessment.

**PUBLIC HEARING ITEMS**

- 11. Conduct a Public Hearing regarding the repeal of existing zoning regulations in Chapter 22 of the Breckenridge Code of Ordinances and adoption of a new Chapter 22, Zoning, to establish new zoning districts, new zoning regulations for uses of property in all zoning districts, and adopt a new zoning map.

**ACTION ITEMS**

- 12. Discussion and any necessary action regarding annual audit for FY 2024-2025.
- 13. Discussion and any necessary action regarding adoption of Ordinance No. 2026-03 Repealing Existing Zoning Regulations in Chapter 22 of the Breckenridge Code of Ordinances and Enacting a new Chapter 22, Zoning, to Establish New Zoning Districts, New Zoning Regulations for Uses of Property in all Zoning Districts, and Adopt a New Zoning Map.

- [14.](#) Discussion and any necessary action regarding award of construction contract related to the TX-CDBG #CDM22-0020 Downtown Revitalization Project
- [15.](#) Discussion and any necessary action on Resolution 2026-03 affirming policies related to the City's TX-CDBG CDV25-0207 (Panther Street) Grant.
- [16.](#) Discussion and any necessary action on Section 3 Policy Information for the City's TX-CDBG CDV25-207 (Panther Street) Grant.
- [17.](#) Discussion and any necessary action regarding approval of Ordinance 2026-02 ordering a Municipal General Election to be held on May 2, 2026, for the purpose of electing the offices of Mayor, and Commissioner Place 1 and Commissioner Place 2.

#### **EXECUTIVE SESSION**

*Pursuant to Texas Government Code, Annotated, Chapter 551, Subchapter D, Texas Open Meetings Act (the "Act"), City Commission will recess into Executive Session (closed meeting) to discuss the following:*

##### **Consultation with Attorney**

*§551.071(1),(2): Consultation with attorney regarding pending or anticipated litigation, or a settlement offer; or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter:*

18. City of Breckenridge vs. Akers Investments LLC, et al; Cause No. CV33796 in the 90th Judicial District Court of Stephens County, Texas.
19. Public Censure of Commissioner Akers.

##### **Economic Development**

*§551.087: Economic Development negotiations (to discuss or deliberate commercial or financial information from a business prospect or to deliberate the offer of a financial or other incentives to a business prospect):*

20. Sagebrush

#### **RECONVENE INTO OPEN SESSION**

*In accordance with Texas Government Code, Section 551, the City Commission will reconvene into Open Session and consider action, if any, on matters discussed in Executive Session.*

#### **RECEIVE REQUESTS FROM COMMISSION MEMBERS/STAFF FOR ITEMS TO BE PLACED ON NEXT MEETING AGENDA**

*Discussion under this section must be limited to whether or not the Commission wishes to include a potential item on a future agenda.*

#### **ADJOURN**

**NOTE:** As authorized by Section 551.071 of the Texas Government Code (Consultation with City Attorney), this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item herein.

**CERTIFICATION**

I hereby certify that the above notice was posted in the bulletin board at Breckenridge City Hall, 105 North Rose Avenue, Breckenridge, Texas , by the **4th day of FEBRUARY 2026.**

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City Secretary



*Persons with disabilities who plan to attend this public meeting and who may need auxiliary aid or services are requested to contact the Breckenridge City Hall 48 hours in advance, at 254-559-8287, and reasonable accommodations will be made for assistance.*



## BRECKENRIDGE CITY COMMISSION AGENDA SUMMARY FORM

**Subject:** Consider approval of the January 6, 2026, regular commission meeting minutes as recorded.

**Department:** Administration

**Staff Contact:** Jessica Sutter

**Title:** City Secretary

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**BACKGROUND INFORMATION:**

Meeting minutes for the regular commission meeting on January 6, 2026.

**FINANCIAL IMPACT:**

N/A

**STAFF RECOMMENDATION:**

Consider approval of minutes as presented.

# REGULAR MEETING OF THE BRECKENRIDGE CITY COMMISSION



Tuesday, January 6, 2026, at 5:30 PM  
Breckenridge City Offices Commission Chambers  
105 North Rose Avenue  
Breckenridge, Texas 76424

## MINUTES

**REGULAR CITY COMMISSION MEETING OF THE CITY OF BRECKENRIDGE, TEXAS, HELD ON THIS DATE WITH THE FOLLOWING MEMBERS PRESENT.**

### PRESENT

MAYOR  
COMMISSIONER, PLACE 1  
MAYOR PRO TEM, PLACE 2  
COMMISSIONER, PLACE 3  
COMMISSIONER, PLACE 4

BOB SIMS  
BLAKE HAMILTON  
GREG AKERS  
JUNIOR FERNANDEZ  
PAUL HUNTINGTON JR.

CITY MANAGER  
CITY SECRETARY  
ASSISTANT CITY SECRETARY  
POLICE CHIEF  
CODE ENFORCEMENT OFFICER  
FIRE CHIEF  
PUBLIC SERVICES DIRECTOR  
FINANCE DIRECTOR

CYNTHIA NORTHROP  
JESSICA SUTTER  
LACY BOTTS  
BLAKE JOHNSON  
J. POTTS  
MALCOLM BUFKIN  
TAYLOR HARDY  
DIANE LATHAM

### CALL TO ORDER

Mayor Sims called the meeting to order at 5:30 p.m.

### Invocation

### PLEDGE OF ALLEGIANCE

### OPEN FORUM

No Speakers

No Action Taken

**STAFF REPORT****City Manager**

## 1. City Business

Emergency Declaration Recap

Public Works Director Update

Cynthia Northrop also reviewed the Brush Pickup updated schedule with Commissioners.

**City Secretary**

## 2. Upcoming events:

01/12 Session 1- Citizens Academy

01/14 First Day for candidates to file an application for a place on the Ballot

01/15 Bulk Pickup

01/19 City Offices closed in observance of Martin Luther King Jr. Day.

**Police Chief**

## 3. Employee of the Month-Christa Hanna

Discussion only. No Action Taken

**CONSENT AGENDA.**

4. Consider approval of the December 2, 2025, regular commission meeting minutes as recorded.

5. Consider approval of department head reports and monthly investment reports for November 2025.

Mayor Pro Tem Akers made a motion to approve consent agenda items 4-5 as presented. Commissioner Fernandez seconded the motion. The motion passed 5-0.

**PUBLIC HEARING ITEMS**

Mayor Sims opened the Public Hearing at 5:51 p.m.

6. Conduct a public hearing regarding request to replat the property located at 905 W. 5th (currently legally described as Roswell Addition, Block 10, Lot 9, 10 & E/32.6 of 110) into two lots.

With there being no speakers Mayor Sims closed the Public Hearing at 5:53 p.m.

## ACTION ITEMS

7. Discussion and any necessary action regarding a request to replat the property located at 905 W. 5th, currently described as Rosewell Addition, Block 10, Lot 9, 10, & E/32.6 of 11 into two lots.

City Manager, Cynthia Northrop stated that the property owner would like to replat the property from one lot into two lots and plans to build a home on the new lot. Planning and Zoning Commissioners met on December 15, 2025, and recommended approval of the replat.

Mayor Pro Tem Akers made a motion to approve the requested replat to the property located at 905 W. 5<sup>th</sup> as presented. Commissioner Hamilton seconded the motion. The motion passed 5-0.

8. Discussion and any necessary action regarding waiver of outstanding taxes for the following properties:

205 W. 3rd

601 N. Harvey

1305 W. 1st

919 N. Breckenridge Ave.

1005 E. Elm

City Manager Northrop explained that the city has acquired multiple substandard structures. Some of these properties have been sold, and others the city intends to sell. However, they have outstanding ad valorem taxes. City Staff believe that it should not be the responsibility of the new owners to pay the outstanding taxes from previous owners. Breckenridge ISD, Stephens Memorial Hospital, and Stephens County have all approve to waive their portion of the back taxes.

Commissioner Huntington made a motion to waive the city's portion of outstanding ad valorem taxes, included penalties and interest, on the listed properties. Mayor Pro Tem Akers seconded the motion. The motion passed 5-0.

9. Discussion and any necessary action regarding Ordinance 2025-20 authorizing the issuance of City of Breckenridge, Texas Combination Tax Surplus Revenue Certificates of Obligation, Series 2026, in the principal amount of \$1,720,000 to fund water system improvements and awarding sale of such Certificates of Obligation to the Texas Water Development Board; and resolving other matters relating to the subject.

Northrop explained that the City has applied for and received a combination grant and low-interest-rate loan through the Texas Water Development Board's Series 2026 Water Loss Assistance Fund for water line replacement. This ordinance authorizes the issuance of \$1,720,000 in Combination Tax and Surplus Revenue Certificates. There was an administrative error during preparation of documents. The Ordinance number is being corrected to a 2026 Ordinance number.

Commissioner Hamilton made a motion authorizing the issuance of City of Breckenridge, Texas Combination Tax Surplus Revenue Certificates of Obligation, Series 2026, in the principal amount of \$1,720,000 to fund water system improvements and awarding sale of such Certificates of Obligation to the Texas Water Development Board; and resolving other matters relating to the subject and correcting the ordinance number from 2025-20 to 2026-01. Commissioner Huntington seconded the motion. The motion passed 5-0.

10. Discussion and any necessary action regarding Resolution 2025-35 approving the execution and delivery of a grant agreement in the amount of \$4,003,900 for Water System Improvements; and resolving other matters relating to the subject.

City Manager Northrop stated that this resolution approves the grant agreement between the City of Breckenridge and the Texas Water Development Board where the City receives \$4,003,900 in grant funding for water line replacement.

Commissioner Huntington made a motion to approve the execution and delivery of a grant agreement in the amount of \$4,003,900 for Water System Improvements; and resolving other matters relating to the subject and correcting the Resolution number from 2025-35 to 2026-01. Mayor Pro Tem Akers seconded the motion. The motion passed 5-0.

11. Discussion and any necessary action regarding approval of Resolution 2025-36 authorizing and directing establishment of construction account with depository bank pursuant to bond ordinance; appointing authorized signatories with respect to such accounts; and resolving other matters relating to the subject.

Northrop stated that this resolution authorizes the establishment of two construction accounts with the depository bank related to the bond ordinance and grant agreement.

Commissioner Huntington made a motion to approve the establishment of construction account with depository bank pursuant to bond ordinance; appointing authorized signatories with respect to such accounts; and resolving other matters relating to the subject. And correcting the Resolution number from 2025-36 to 2026-02. Commissioner Hamilton seconded the motion. The motion passed 5-0.

Mayor Sims Convened the meeting into Executive Session at 6:01 p.m.

#### **EXECUTIVE SESSION**

*Pursuant to Texas Government Code, Chapter 551, Texas Open Meetings Act (the "Act"), the City Commission will recess into Executive Session (closed meeting) to discuss the following:*

**Consultation with Attorney**

*§551.071(1),(2): Consultation with attorney regarding pending or anticipated litigation, or a settlement offer; or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter:*

12. City of Breckenridge vs. Akers Investments, LLC, et al; Cause No. CV33796 in the 90th Judicial District Court of Stephens County, Texas.
13. Personnel Investigation.

Mayor Sims convened the meeting into open session at 6:32 p.m. with no action taken.

**REQUESTS FROM COMMISSION MEMBERS/STAFF FOR ITEMS TO BE PLACED ON THE NEXT MEETING AGENDA**

No requests.

**ADJOURN**

There being no further business, Mayor Sims adjourned the regular session at 6:32 p.m.

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Bob Sims, Mayor

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Jessica Sutter, City Secretary



## BRECKENRIDGE CITY COMMISSION AGENDA SUMMARY FORM

**Subject:** Consider approval of department head reports and monthly investment reports for December 2025.

**Department:** Administration

**Staff Contact:** Jessica Sutter

**Title:** City Secretary

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### **BACKGROUND INFORMATION:**

The City approves an investment policy that complies with the Public Funds Investment Act of 1987 annually. The city allows investments in money market accounts, certificates of deposits, and investment pools. The Treasurer or their designee is required to provide a quarterly investment report to the Commissioners.

The staff provides commissioners monthly with departmental reports and finance reports, including investment reports. This aids in the transparency of the staff's accomplishments and the city's current financials for commissioners and citizens.

### **FINANCIAL IMPACT:**

N/A

### **STAFF RECOMMENDATION:**

Consider approval of departmental reports and monthly investment reports for December 2025.



# DEPARTMENTAL REPORTS

## DECEMBER 2025

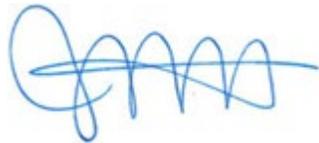
105 N. Rose Ave.  
Breckenridge, TX 76424  
254.559.8287  
[www.breckenridgetx.gov](http://www.breckenridgetx.gov)

# Finance

## Bank

### Statement

### Balances



*Diane Latham*

	Account Name	Balances as of Dec. 2024	Balances as of Dec. 2023
1001	GENERAL FUND	\$ 2,190,249.04	\$ 1,995,851.86
1013	ARSON FUND	\$ 509.89	\$ 509.89
1014	FEDERAL TAX & LOAN	\$ 32,977.83	\$ 31,031.67
1001	WATER FUND	\$ 1,956,238.81	\$ 1,791,566.46
1001	WASTEWATER FUND	\$ 1,295,216.86	\$ 1,597,885.32
1001	SANITATION	\$ 35,444.66	\$ 47,791.69
1001	FIRE DEPT. SPECIAL	\$ 7,855.01	\$ 8,543.32
1001	FORFEITED PROPERTY	\$ 1,482.57	\$ 1,486.36
1002	PAYROLL FUND	\$ 52,314.20	\$ 54,819.73
1001	EQUIP. REPLACEMENT FUND	\$ 387,849.27	\$ 275,877.89
1001	STREET MAINTENANCE	\$ 366,689.44	\$ 569,954.39
1001	BRECKENRIDGE PARK FUND	\$ 10,040.93	\$ 8,736.86
1001	POLICE DEPT. SPECIAL	\$ 13,657.61	\$ 13,692.44
1001	Excess Sales Tax Revenue	\$ 17,689.35	\$ 17,734.49
1001	Breck Trade Days	\$ 39,551.71	\$ 39,652.63
1051	CO 2017 A&B Sinking /Rd	\$ -	\$ -
1001	Water Capital Projects	\$ (110,693.27)	\$ (110,693.27)
1001	Wastewater Capital Projects	\$ 164,314.28	\$ 164,314.28
1001	Capital Improvement Project	\$ 134,545.75	\$ 194,313.55
1058	GENERAL DEBT SERVICE FUND	\$ -	\$ -
1001	General Debt Service Fund P/C	\$ 518,205.49	\$ 490,821.60
1001	REVENUE DEBT SERVICE FUND	\$ 312,821.84	\$ 295,251.76
1025	Rescue Boat Donation	\$ 1,818.72	\$ 1,823.27
1073	CWSRF LF1001492	\$ 3.02	\$ 4,705.71
1076	CWSRF LF1001492 ESCROW	\$ 1,219,029.79	\$ 1,100,490.04
1056	CWSRF CO 2022A L1001491	\$ 1.00	\$ 1.00
1074	CWSRF CO 2022A L1001491 ESCROW	\$ 996,483.50	\$ 1,033,759.25
1072	CWSRF CO 2022A L1001426	\$ 1.00	\$ 1.00
1075	CWSRF CO 2022A L1001426 ESCROW	\$ 2,110,440.70	\$ 2,189,386.76
1071	DWSRF LF1001495	\$ 4.27	\$ 4.27
1079	DWSRF LF1001495 ESCROW	\$ 1,201,933.66	\$ 1,205,588.64
1070	DWSRF CO 2022B L1001493	\$ 1.00	\$ 1.00
1078	DWSRF CO 2022B L1001493 ESCROW	\$ 1,438,185.47	\$ 1,491,984.24
1057	DWSRF CO 2022B L1001494	\$ 1.00	\$ 1.00
1077	DWSRF CO 2022B L1001494 ESCROW	\$ 1,008,103.35	\$ 1,045,813.91
1010	LOGIC CO 2023	\$ 6,436,274.74	\$ 3,942,429.00
	<b>TOTAL - ALL FUNDS</b>	<b>\$ 21,839,242.49</b>	<b>\$ 19,505,132.01</b>

# Fiscal Year Sales Tax Revenue Received

MONTH RECEIVED	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026
OCT	\$ 142,235.00	\$ 138,040.00	\$ 157,493.00	\$ 180,530.00	\$ 182,914.00	\$ 176,173.38	\$ 179,092.44
NOV	\$ 122,415.00	\$ 176,091.00	\$ 213,510.00	\$ 230,739.00	\$ 214,002.00	\$ 205,342.24	\$ 236,376.47
DEC	\$ 149,000.00	\$ 138,215.00	\$ 167,667.00	\$ 169,037.00	\$ 158,898.22	\$ 186,724.15	\$ 198,774.01
JAN	\$ 132,144.00	\$ 142,770.00	\$ 195,423.00	\$ 203,137.00	\$ 188,303.00	\$ 175,492.04	
FEB	\$ 175,232.00	\$ 204,822.00	\$ 222,525.00	\$ 228,165.00	\$ 214,081.01	\$ 256,722.47	
MARCH	\$ 127,285.00	\$ 149,849.00	\$ 150,395.00	\$ 166,133.00	\$ 161,140.16	\$ 163,877.32	
APRIL	\$ 121,607.00	\$ 119,118.00	\$ 138,407.00	\$ 175,455.75	\$ 169,163.00	\$ 157,154.10	
MAY	\$ 168,693.00	\$ 210,823.00	\$ 222,804.00	\$ 210,071.22	\$ 213,927.83	\$ 215,254.59	
JUNE	\$ 158,145.00	\$ 157,037.00	\$ 185,695.00	\$ 175,128.00	\$ 185,557.61	\$ 184,180.99	
JULY	\$ 167,474.00	\$ 160,631.00	\$ 187,757.00	\$ 185,736.00	\$ 184,363.32	\$ 205,052.41	
AUG	\$ 183,855.00	\$ 196,582.00	\$ 215,658.00	\$ 206,710.00	\$ 203,593.65	\$ 238,789.51	
SEPT	\$ 141,151.17	\$ 158,558.00	\$ 172,552.00	\$ 177,704.47	\$ 188,524.22	\$ 175,835.01	
TOTAL	\$ 1,789,236.17	\$ 1,952,536.00	\$ 2,229,886.00	\$ 2,308,546.44	\$ 2,264,468.02	\$ 2,340,598.21	\$ 614,242.92



# SECURITIES PLEDGED

The following shows the calculation of deposit coverage for the deposits of The City of Breckenridge held in Clear Fork Bank on: December 30, 2025 and securities pledged as of: December 30, 2025

Checking account balances:	\$	7,612,128.86
CD balances:	\$	-
Total on deposit:	\$	<u>7,612,128.86</u>
FDIC Insurance coverage:		
Checking account balances:	\$	250,000.00
CD balances:	\$	-
	\$	<u>250,000.00</u>
Total Deposit balance		
less FDIC coverage:	\$	<u>7,362,128.86</u>
Securities pledged at market value:	\$	<u>7,691,590.16</u>
Excess securities pledged:	\$	<u>329,461.30</u>

# 2023 CO BOND

BOND  
AMOUNT

• \$8,641,984.74

BANK  
TRANSFERS

• \$5,248,882.00

TOTAL  
INTEREST  
EARNED

• \$786,099.25

CURRENT  
BALANCE

• \$4,179,201.99

# 2023 CO BOND-LOGIC PROJECT EXPENDITURES

STREETS

\$4,426,496.86

PARK IMPROVEMENT

\$779,995.17

FACILITIES IMPROVEMENT

\$279,118.76

# 2023 CO BOND-LOGIC INTEREST EARNED

**DECEMBER 2025: \$13,492.82**

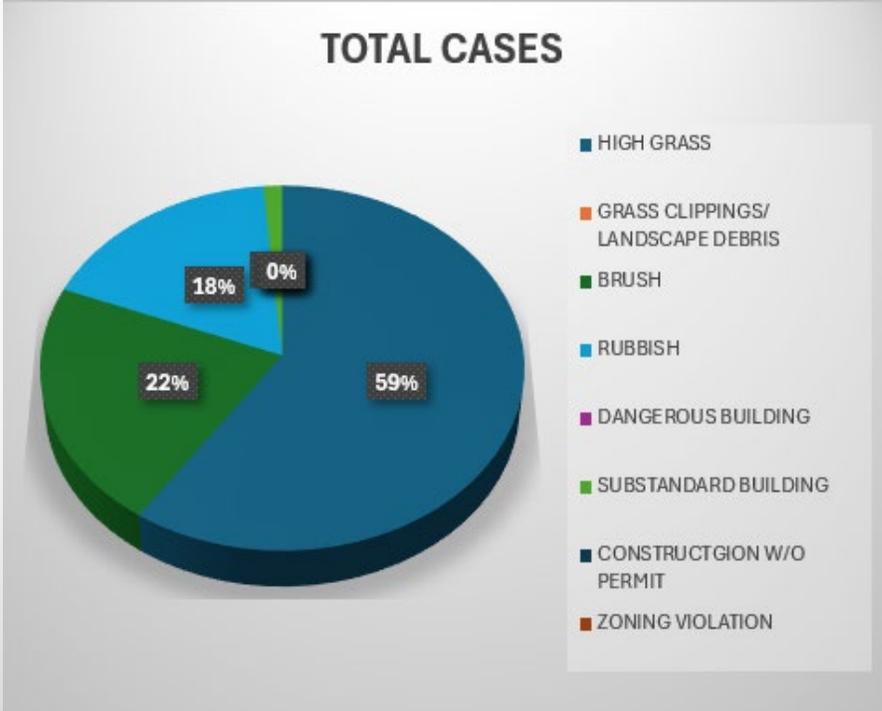
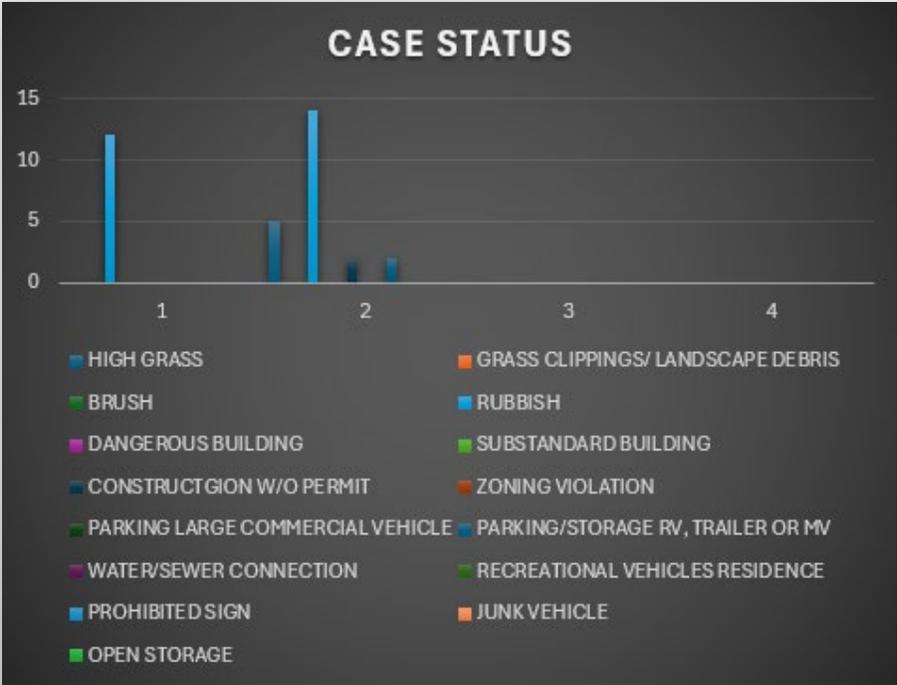
**TOTAL: \$786,099.25**



# BUILDING & DEVELOPMENT

DECEMBER 2025		FY 2025-2026
<b>Permits Issued:</b>		
Building	3	8
Roof	0	3
Fence, windows, siding, etc.	0	1
Sign	0	0
Mobile home	1	1
Certificate of Occupancy	0	0
Electrical	1	16
Plumbing	1	4
Gas line	2	9
Irrigation	0	0
HVAC	0	2
Moving	0	0
Demolition	0	0
P&Z	1	2
Variance	0	1
Prelim/final plat/replat	1 replat	3 replats
Solicitor/vendor	0	2
Beer/wine/liquor license	1	2
Gaming machine license	0	0
Food Mobile Unit	0	3
Fire alarm	0	1
Fire sprinkler	0	0

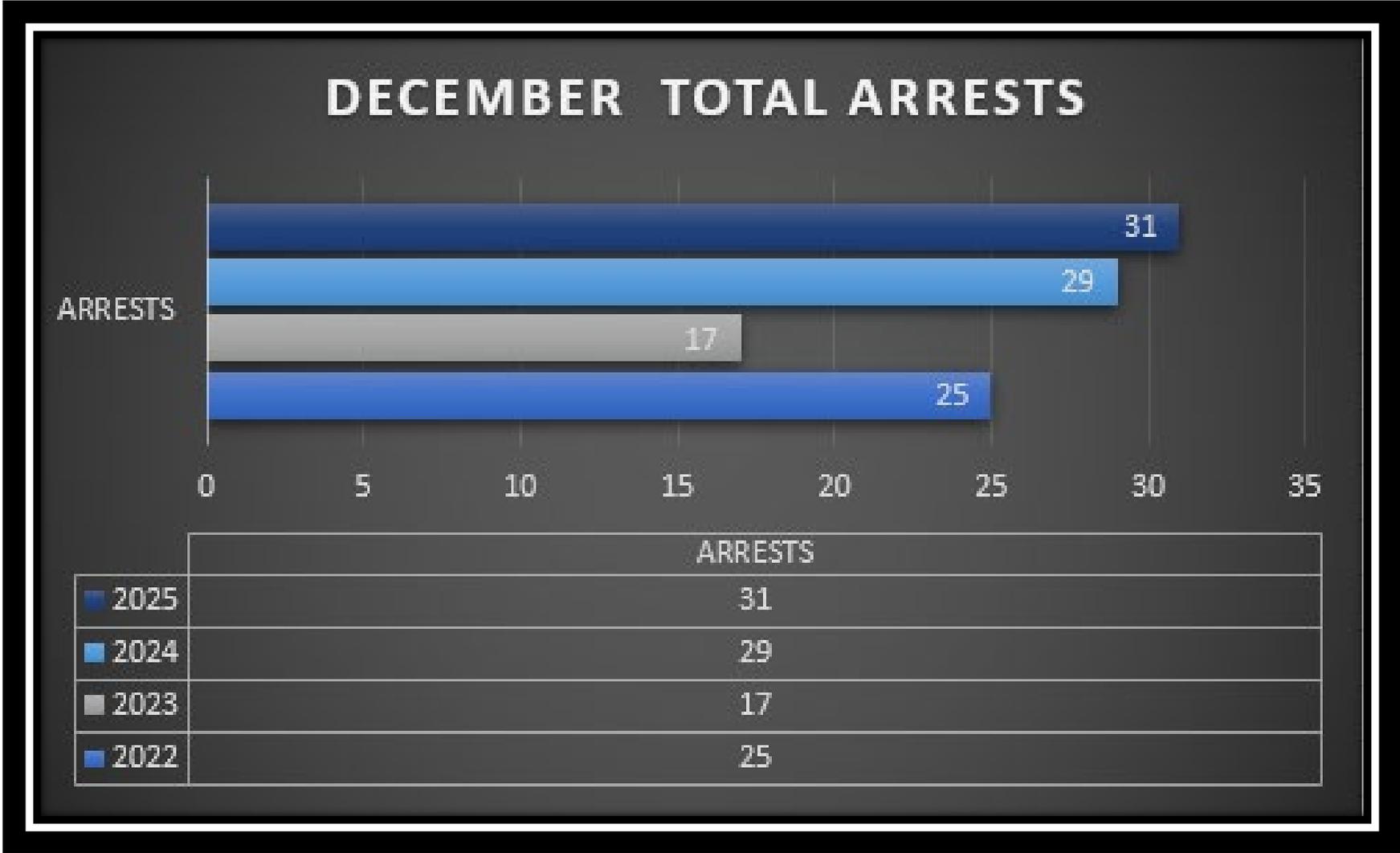
# CODE ENFORCEMENT DECEMBER 2025 CASES: 49

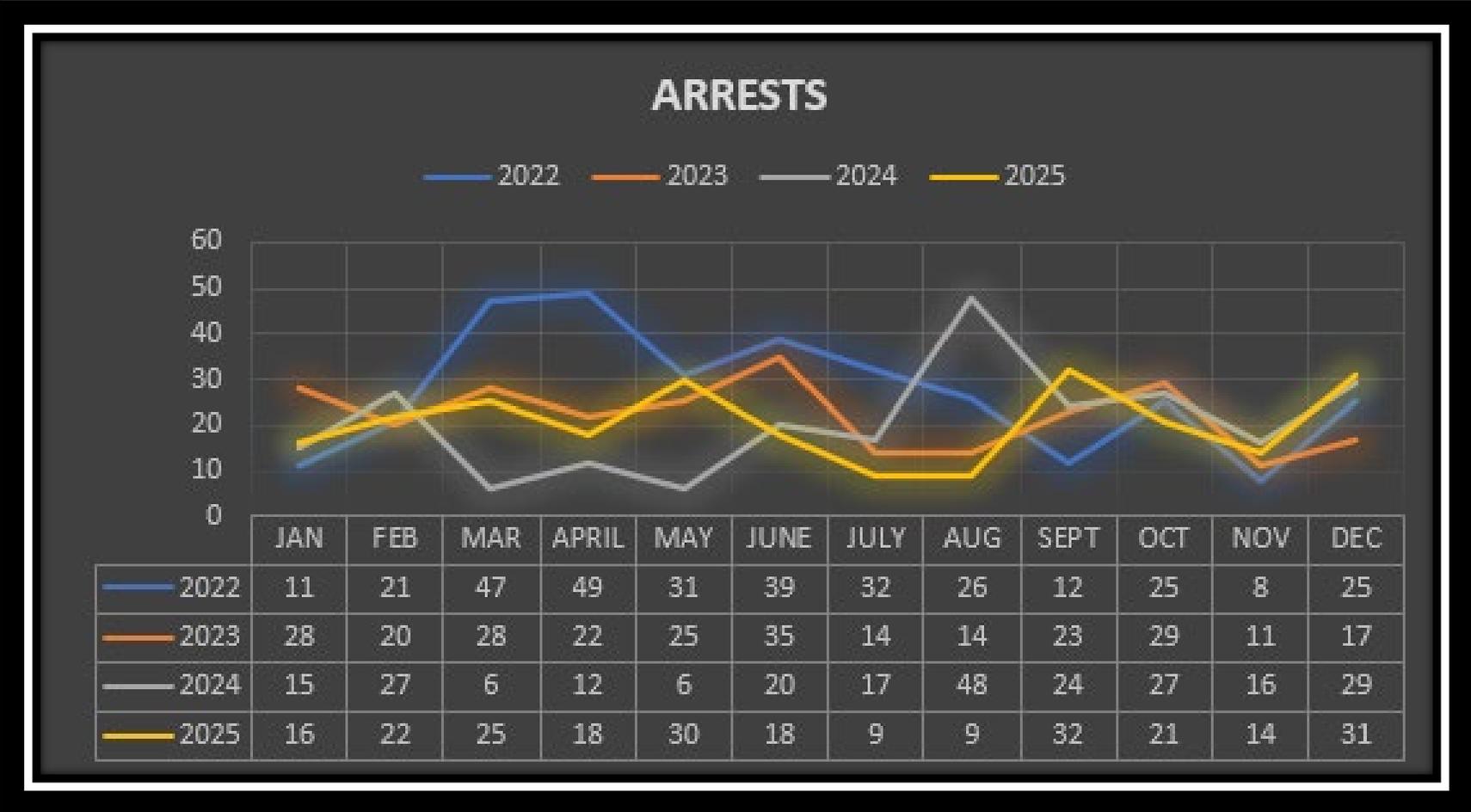


**TOTAL CODE CASES DOR 2025: 1225**  
**TOTAL COMPLIANT: 811**  
**PROPERTY OWNER CITATIONS: 195**

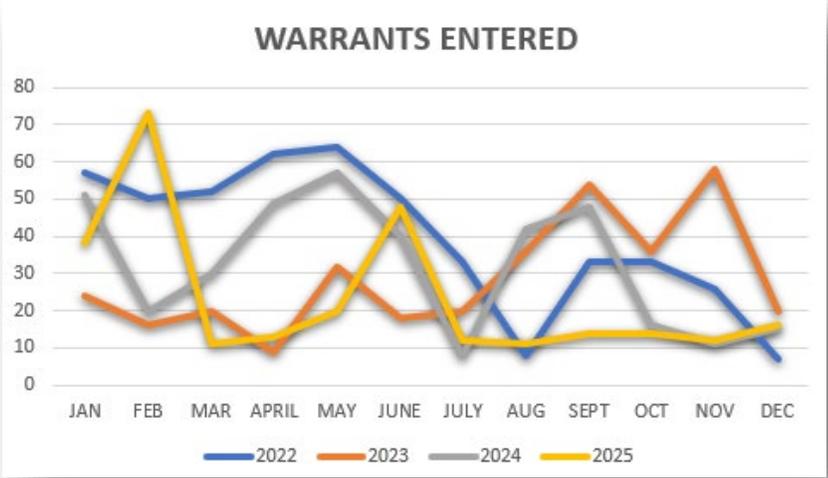
# BRECKENRIDGE POLICE DEPARTMENT



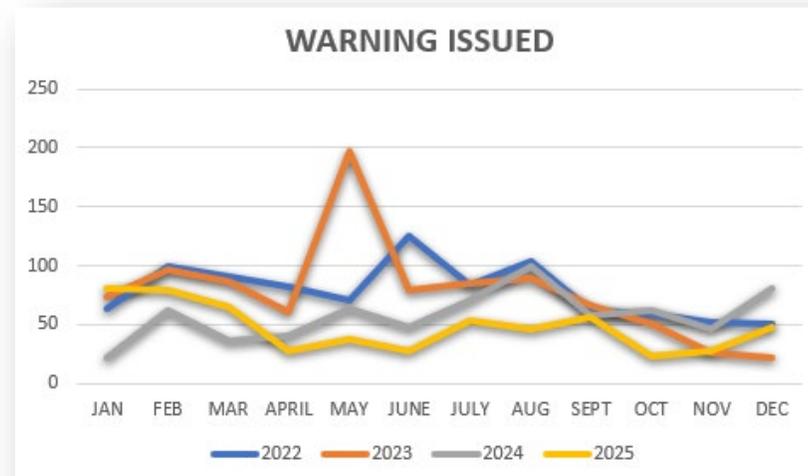
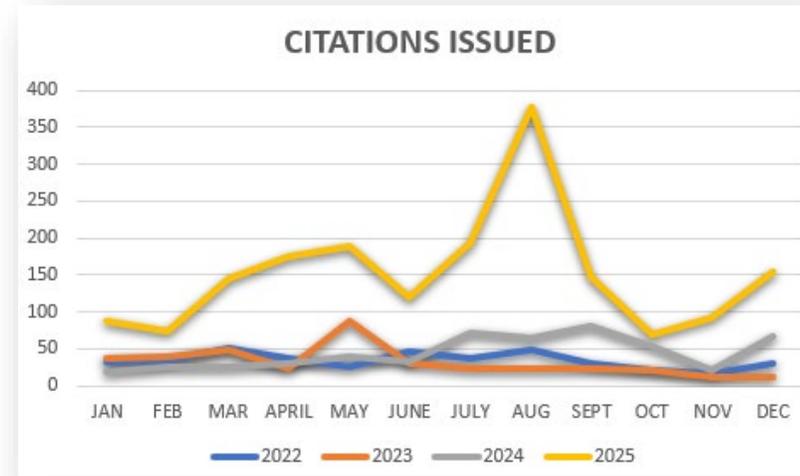




# DECEMBER WARRANTS



# DECEMBER CITATIONS & WARNINGS



# DECEMBER ANIMAL CONTROL

**TOTAL CALLS: 177**

CALL TYPE		
	CITY	COUNTY
AGGRESSIVE	3	
BITE		
CARCASS	32	
INJURED/SICK	1	
RETURNED TO OWNER IN FIELD		
RUNNING AT LARGE	22	5
NUISANCE/COMPLAINT		
WELFARE CHECK	28	
OTHER	86	
<b>TOTAL</b>	<b>172</b>	<b>5</b>

# DECEMBER ANIMAL CONTROL

SHELTER INTAKE		
	CITY	COUNTY
STRAY/RUNNING AT LARGE	14	1
SEIZED BY LAW	3	
OWNER SURRENDER		
RABIES QUARANTINE OBSERVATION		
<b>TOTAL</b>	<b>17</b>	<b>1</b>

LEFT THE SHELTER		
	CITY	COUNTY
ADOPTED FROM SHELTER	3	
RECLAIMED BY OWNER	4	
RETURNED AFTER QUARANTINE	1	
TRANSFERRED TO RESCUE PARTNER	5	
<b>TOTAL</b>	<b>13</b>	<b>0</b>

RABIES QUARANTINE OBSERVATION		
	CITY	COUNTY
HOME QUARANTINE		
SHELTER QUARANTINE		
<b>TOTAL</b>	<b>0</b>	<b>0</b>

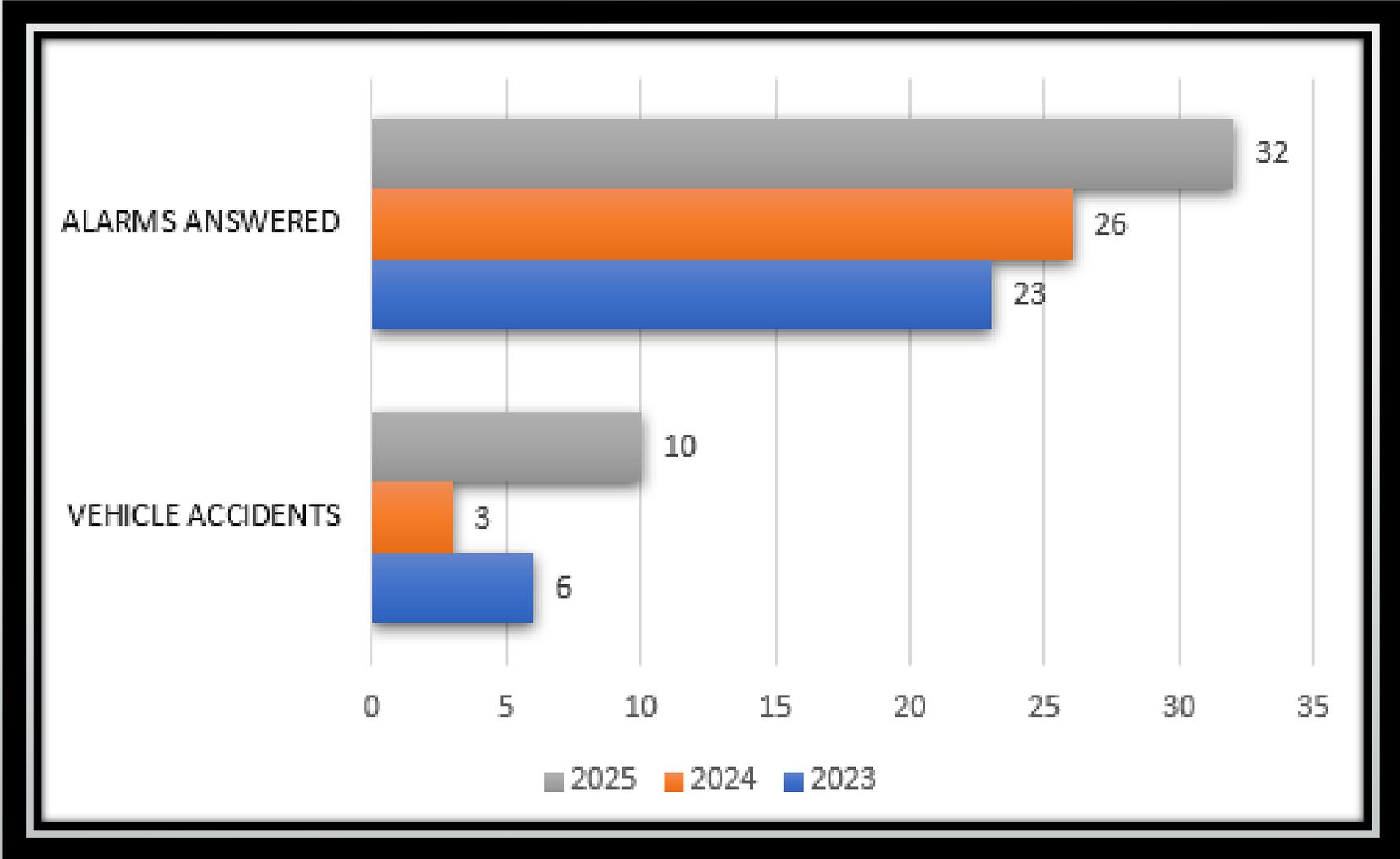
HUMANE EUTHANASIA		
	CITY	COUNTY
BEHAVIORAL	7	
MEDICAL	1	
OWNER SURRENDER		
<b>TOTAL</b>	<b>8</b>	<b>0</b>

TOTAL IN SHELTER AT END OF MONTH		
CITY	8	
COUNTY	8	
CITY QUARANTINE		
COUNTY QUARANTINE		
<b>TOTAL</b>	<b>16</b>	

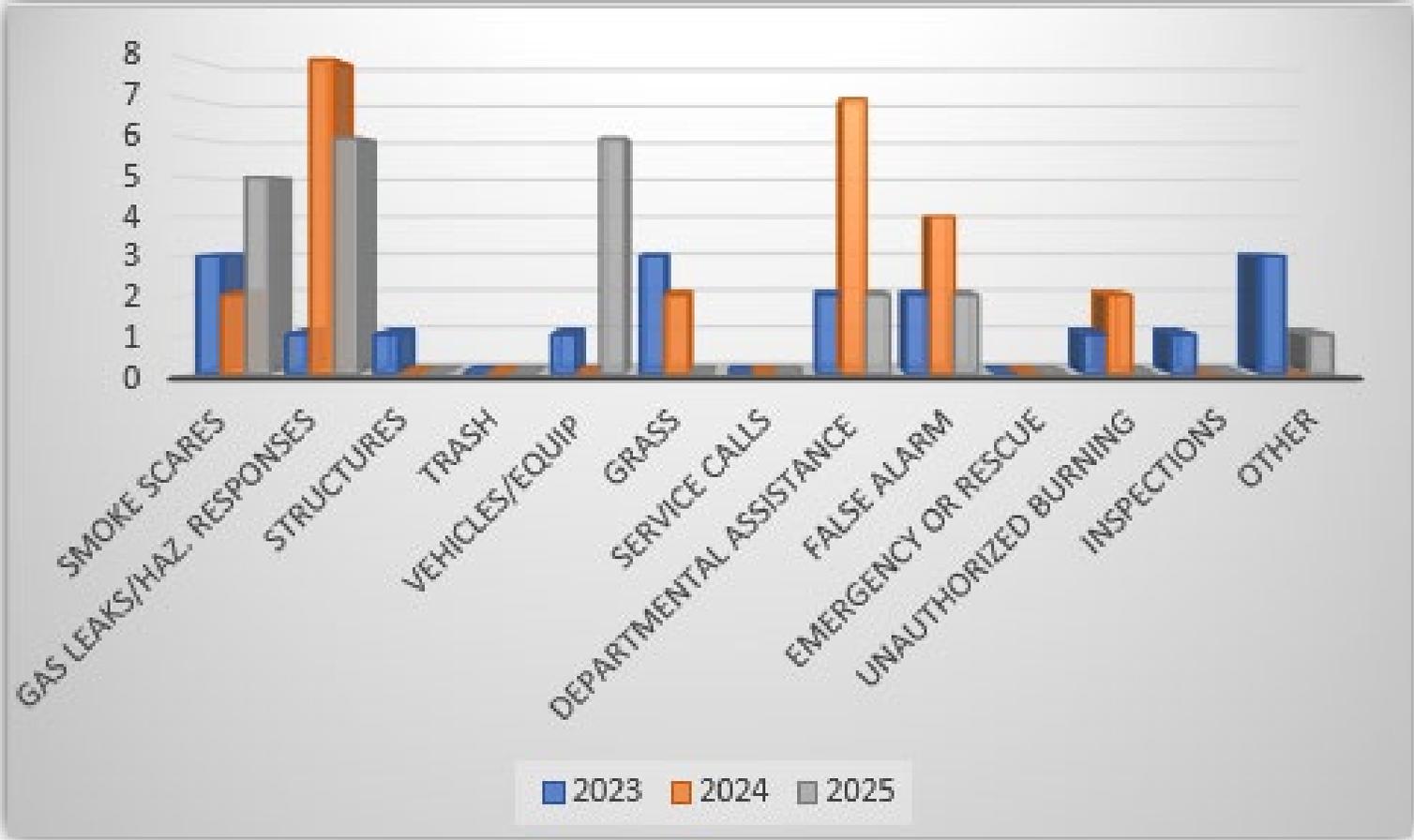
CITATIONS ISSUED	33
WARNING ISSUED	24
CASES IN MUNICIPAL COURT	2

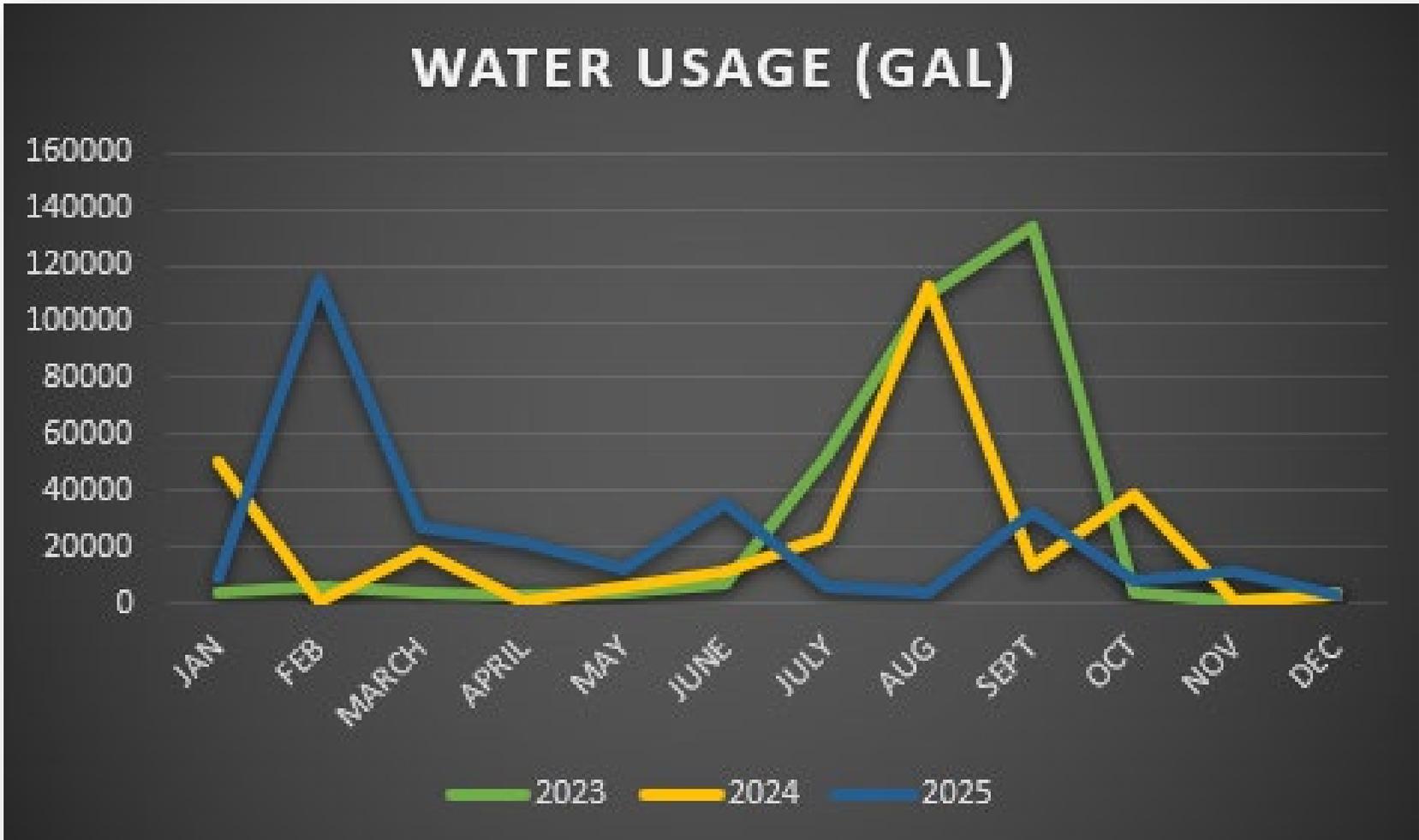


# DECEMBER 2025



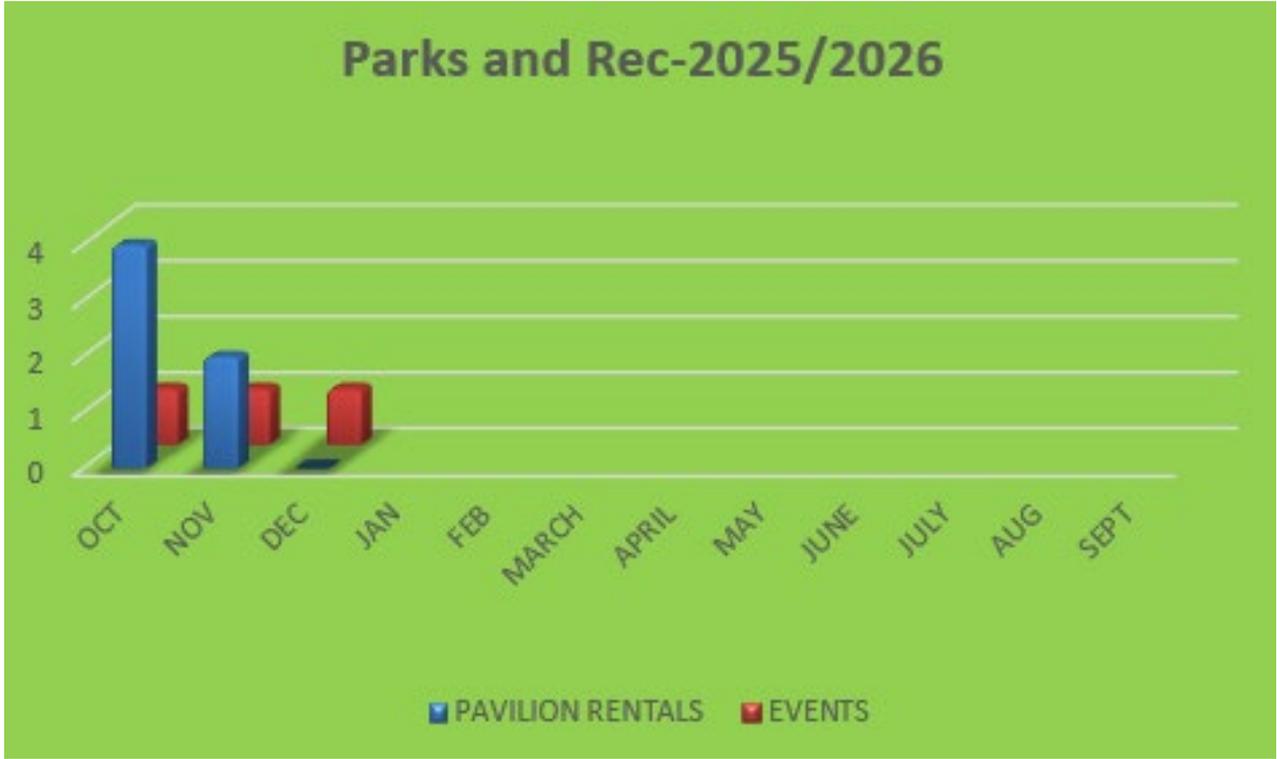
# DECEMBER CALLS FOR SERVICE







# PARKS & CEMETERY



4 pavilion rentals

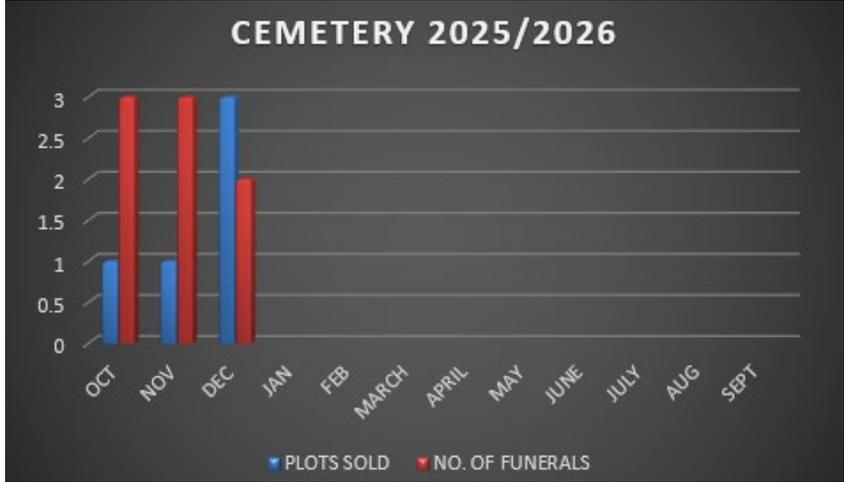
0 trade barn rentals

0 volleyball court rental

0 pickleball rental

Heavy usage at the parks

Maintaining all the parks



3 funerals to report

1 space sold for \$1,200

Helping Parks clean-up for events

Maintaining Cemetery

Maintaining equipment

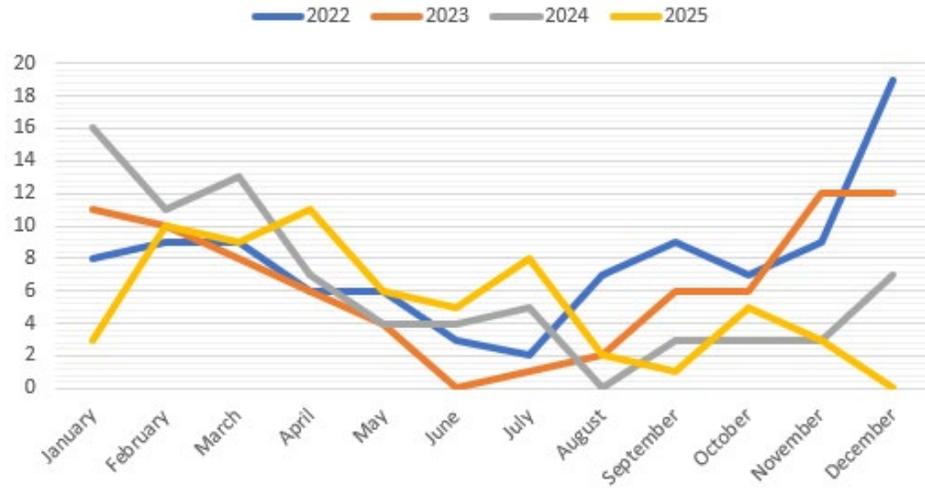
# CEMETERY

# PUBLIC

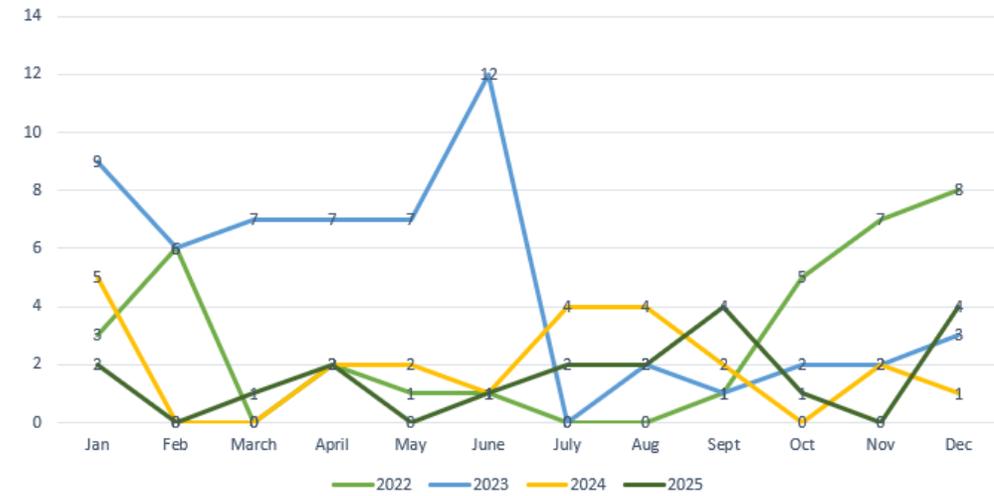


# WORKS

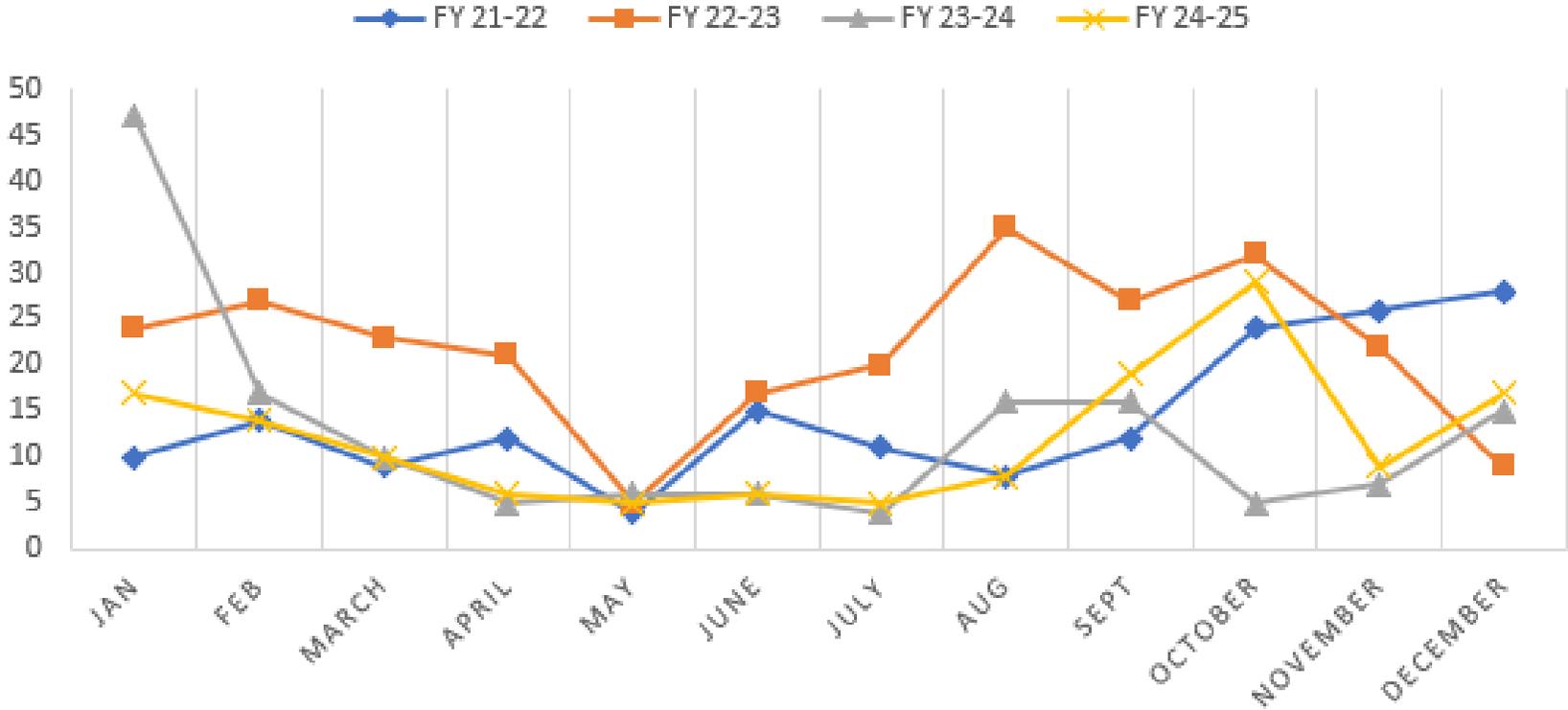
### SEWER STOPPAGES



### Meter Leak Report



# WATER LEAKS





## BRECKENRIDGE CITY COMMISSION AGENDA SUMMARY FORM

**Subject:** Consider approval of Resolution 2026-01 appointing members to the Planning and Zoning Commission with a term set to expire February 28, 2029.

**Department:** Administration

**Staff Contact:** Cynthia Northrop

**Title:** City Manager

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**BACKGROUND INFORMATION:**

The Planning and Zoning Commission is composed of seven members who are appointed by the City Commission for 3-year terms.

JB Sparks, and Genoa Goad’s term are both set to expire on February 28, 2026. Both JB Sparks and Genoa Goad have agreed to be reappointed.

**FINANCIAL IMPACT:**

**STAFF RECOMMENDATION:**

Move to approve Resolution 2026-01 as presented.

**CITY OF BRECKENRIDGE, TEXAS  
RESOLUTION NO. 2026-01**

**A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS, TO REAPPOINT OR APPOINT MEMBERS TO THE PLANNING AND ZONING COMMISSION AND TO SET TERM OF OFFICE FOR APPOINTEES.**

**WHEREAS**, Article II, Section 2-20 of the Code of Ordinances of the City of Breckenridge creates the Planning and Zoning Commission for the City of Breckenridge and provides appointment procedures, and Article II, Section 2-21 provides for setting terms of office; and

**WHEREAS**, the term of JB Sparks, and Genoa Goad will expire February 28, 2026;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS:** That JB Sparks, and Genoa Goad shall be appointed to the Planning and Zoning Commission for a three-year term to expire February 28, 2029.

**PASSED AND APPROVED** this 10th day of February 2026 by the City Commission.

\_\_\_\_\_  
**Bob Sims, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Jessica Sutter, City Secretary**

SEAL



**BRECKENRIDGE CITY COMMISSION  
AGENDA SUMMARY FORM**

**Subject:** Consider approval of the 2025 annual Police Department Racial Profiling Report.

**Department:** Police Department

**Staff Contact:** Blake Johnson

**Title:** Police Chief

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**BACKGROUND INFORMATION:**

Texas Code of Criminal Procedure, Article 2.134, requires that a local law enforcement agency shall compile and analyze racial profiling data and submit a report to the Texas Commission on Law Enforcement (TCOLE) and the governing body of the municipality served by the agency. The Breckenridge Police Department has submitted its racial profiling report to TCOLE and is now presenting that report to the City Commission.

**FINANCIAL IMPACT:**

NA

**STAFF RECOMMENDATION:**

Consider approval of the 2025 annual Police Department Racial Profiling Report as presented.

# Racial Profiling Report | Full

Agency Name: BRECKENRIDGE POLICE DEPT.  
Reporting Date: 01/02/2026  
TCOLE Agency Number: 429201

Chief Administrator: BLAKE E JOHNSON

Agency Contact Information:  
Phone: (254) 559-2211  
Email: bjohnson@breckenridgetx.gov

Mailing Address:  
210 E DYER ST, BRECKENRIDGE, TX, 764243609

This Agency filed a full report

BRECKENRIDGE POLICE DEPT. has adopted a detailed written policy on racial profiling. Our policy:

- 1) clearly defines acts constituting racial profiling;
- 2) strictly prohibits peace officers employed by the BRECKENRIDGE POLICE DEPT. from engaging in racial profiling;
- 3) implements a process by which an individual may file a complaint with the BRECKENRIDGE POLICE DEPT. if the individual believes that a peace officer employed by the BRECKENRIDGE POLICE DEPT. has engaged in racial profiling with respect to the individual;
- 4) provides public education relating to the agency's complaint process;
- 5) requires appropriate corrective action to be taken against a peace officer employed by the BRECKENRIDGE POLICE DEPT. who, after an investigation, is shown to have engaged in racial profiling in violation of the BRECKENRIDGE POLICE DEPT. policy;
- 6) requires collection of information relating to motor vehicle stops in which a warning or citation is issued and to arrests made as a result of those stops, including information relating to:
  - a. the race or ethnicity of the individual detained;
  - b. whether a search was conducted and, if so, whether the individual detained consented to the search;
  - c. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
  - d. whether the peace officer used physical force that resulted in bodily injury during the stop;
  - e. the location of the stop;
  - f. the reason for the stop.
- 7) requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
  - a. the Commission on Law Enforcement; and
  - b. the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

The BRECKENRIDGE POLICE DEPT. has satisfied the statutory data audit requirements as prescribed in Article 2.133(c), Code of Criminal Procedure during the reporting period.

Executed by: blake johnson  
Chief

Date: 01/02/2026

# Total stops: 1132

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**Street address or approximate location of the stop**

City street	876
US highway	242
County road	1
State highway	0
Private property or other	13

**Was race or ethnicity known prior to stop?**

Yes	12
No	1120

**Race / Ethnicity**

Alaska Native / American Indian	1
Asian / Pacific Islander	2
Black	41
White	859
Hispanic / Latino	229

**Gender**

<b>Female</b>	<b>451</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	16
White	361
Hispanic / Latino	0
<b>Male</b>	<b>681</b>
Alaska Native / American Indian	1
Asian / Pacific Islander	2
Black	25
White	498
Hispanic / Latino	155

**Reason for stop?**

<b>Violation of law</b>	<b>105</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	4
White	82

Hispanic / Latino	18
<b>Preexisting knowledge</b>	<b>7</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	6
Hispanic / Latino	1
<b>Moving traffic violation</b>	<b>856</b>
Alaska Native / American Indian	1
Asian / Pacific Islander	1
Black	32
White	647
Hispanic / Latino	175
<b>Vehicle traffic violation</b>	<b>164</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	5
White	124
Hispanic / Latino	35
<b>Was a search conducted?</b>	
<b>Yes</b>	<b>27</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	24
Hispanic / Latino	3
<b>No</b>	<b>1105</b>
Alaska Native / American Indian	1
Asian / Pacific Islander	2
Black	41
White	835
Hispanic / Latino	226
<b>Reason for Search?</b>	
<b>Consent</b>	<b>6</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	5

Hispanic / Latino	1		
<b>Contraband</b>	<b>2</b>		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	0		
White	0		
Hispanic / Latino	0		
<b>Probable</b>	<b>11</b>		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	0		
White	10		
Hispanic / Latino	1		
<b>Inventory</b>	<b>4</b>		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	0		
White	4		
Hispanic / Latino	0		
<b>Incident to arrest</b>	<b>4</b>		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	0		
White	4		
Hispanic / Latino	0		
<b>Was Contraband discovered?</b>			
<b>Yes</b>	<b>17</b>	<b>Did the finding result in arrest?</b>	
		(total should equal previous column)	
Alaska Native / American Indian	0	Yes 0	No 0
Asian / Pacific Islander	0	Yes 0	No 0
Black	0	Yes 0	No 0
White	14	Yes 8	No 6
Hispanic / Latino	3	Yes 1	No 2
<b>No</b>	<b>10</b>		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	0		
White	10		
Hispanic / Latino	0		

<b>Description of contraband</b>	
<b>Drugs</b>	<b>8</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	6
Hispanic / Latino	2
<b>Weapons</b>	<b>1</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1
Hispanic / Latino	0
<b>Currency</b>	<b>0</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Alcohol</b>	<b>4</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	3
Hispanic / Latino	1
<b>Stolen property</b>	<b>0</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Other</b>	<b>4</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	4
Hispanic / Latino	0
<b>Result of the stop</b>	
Verbal warning	<b>6</b>

Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	6
Hispanic / Latino	0
<b>Written warning</b>	<b>321</b>
Alaska Native / American Indian	1
Asian / Pacific Islander	0
Black	15
White	259
Hispanic / Latino	46
<b>Citation</b>	<b>787</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	2
Black	26
White	578
Hispanic / Latino	181
<b>Written warning and arrest</b>	<b>2</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1
Hispanic / Latino	1
<b>Citation and arrest</b>	<b>13</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	12
Hispanic / Latino	1
<b>Arrest</b>	<b>3</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	3
Hispanic / Latino	0
<b>Arrest based on</b>	
<b>Violation of Penal Code</b>	<b>12</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0

Black	0
White	11
Hispanic / Latino	1
<b>Violation of Traffic Law</b>	<b>2</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	2
Hispanic / Latino	0
<b>Violation of City Ordinance</b>	<b>0</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
<b>Outstanding Warrant</b>	<b>4</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	3
Hispanic / Latino	1

**Was physical force resulting in bodily injury used during stop?**

<b>Yes</b>	<b>1</b>
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1
Hispanic / Latino	0
<b>Resulting in Bodily Injury To:</b>	
Suspect	0
Officer	0
Both	0
<b>No</b>	<b>1131</b>
Alaska Native / American Indian	1
Asian / Pacific Islander	2
Black	41
White	858
Hispanic / Latino	229

**Number of complaints of racial profiling**

Total	0
Resulted in disciplinary action	0
Did not result in disciplinary action	0

**Comparative Analysis**

- Use TCOLE's auto generated analysis
- Use Department's submitted analysis

**Optional Narrative**

N/A

Submitted electronically to the



The Texas Commission on Law Enforcement



BRECKENRIDGE CITY COMMISSION  
AGENDA SUMMARY FORM

**Subject:** Consider approval of Resolution 2026-05 appointing a member to the Board of Adjustments

**Department:** Administration

**Staff Contact:** Jessica Sutter

**Title:** City Secretary

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**BACKGROUND INFORMATION:**

The Board of Adjustments is a seven-member board tasked with conducting public hearings and grants, with or without conditions, or denies variances to the Zoning Codes, including variances from building height and building setback requirements; hears requests and renders decisions regarding special exceptions when applicants propose to expand not-conforming uses; and hears and renders decisions regarding appeals of decision or interpretations of the Building Official.

The Position of Alternate 1 has been vacant and has an expiring term of November 31, 2026. Jessica Cigarroa has agreed to fill the unexpired vacant term. Cigarroa’s application is included in the packet for review.

**FINANCIAL IMPACT:**

N/A

**STAFF RECOMMENDATION:**

Consider approval of Resolution 2026-05 as presented.



**CITY OF BRECKENRIDGE  
BOARD OR COMMISSION  
APPLICATION FOR APPOINTMENT  
(MUST LIVE WITHIN THE CITY LIMITS)**

Name: Jessica Cigarroa		Date Submitted: 1-8-2026	
Home Address: [REDACTED]		Business Address:	
Home Phone: [REDACTED]		Occupation: Postal worker	
E-Mail Address: [REDACTED]		Business Phone:	
E-Mail Address: [REDACTED]		Fax Phone:	
Breckenridge Resident for <u>10</u> years.		Qualified voter: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Are you related to any City Commission Member or City Manager? If yes, please state the relationship:		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Special knowledge or experience qualifying you for this appointment: real estate student no previous experience but willing to learn			
Boards/Commissions/Committees you have previously served on:		Dates	
None			
_____		_____	
_____		_____	
_____		_____	
Professional and/or Community Activities: <b>BA Psy Txstate University, Current CPM student Txstate, Real estate student, Citizenship Academy graduate, Chamber of Commerce member &amp; Ambassador</b>			
<b>Number in order of preference:</b> We will call and confirm before we appoint			
	Planning and Zoning Commission	1	Board of Adjustments 1
	Housing Authority Board	2	Economic Development Corporation 2

Please complete and return to: City Secretary, City of Breckenridge, 105 N Rose Ave., Breckenridge, TX 76424  
Phone: 254-559-8287 Fax: 254-559-7322 Email: [jsutter@breckenridgetx.gov](mailto:jsutter@breckenridgetx.gov)

**RESOLUTION NO. 2026-05**

**A RESOLUTION OF THE CITY OF BRECKENRIDGE, STEPHENS COUNTY, TEXAS, APPOINTING A MEMBER TO SERVE ON THE BOARD OF ADJUSTMENT**

**WHEREAS**, Section 2-30 of the Code of Ordinances of the City of Breckenridge creates the Board of Adjustment for the City of Breckenridge and provides appointment procedures; and,

**WHEREAS**, Members and Alternate Members of the Board of Adjustment serve in staggered two-year terms, commencing December 1<sup>st</sup> and ending November 30<sup>th</sup> as set forth below:

**WHEREAS**, the term of office of Alternate Member 1 is vacant and expires November 2026.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE**, That **Jessica Cigarroa** shall be appointed to serve the remaining term of Alternate Member 1 with a term to expire November 30, 2026.

**Jessica Cigarroa  
November 30, 2026**

**PASSED AND APPROVED** by the City Commission of the City of Breckenridge, Stephens County, Texas on this the 10<sup>th</sup> day of November, 2026.

APPROVED:

\_\_\_\_\_  
Bob Sims, Mayor

ATTEST:

\_\_\_\_\_  
Jessica Sutter, City Secretary



**BRECKENRIDGE CITY COMMISSION  
AGENDA SUMMARY FORM**

**Subject:** Consider approval of an Interlocal for Municipal Court Services.  
**Department:** Administration  
**Staff Contact:** Cynthia  
**Title:** City Manager

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**BACKGROUND INFORMATION:**

In the interest of cooperation, the City of Breckenridge has several interlocal agreements with Stephens County.

This agreement is unchanged from the previous agreement and only renews the terms for a 2-year period.

**FINANCIAL IMPACT:**

**STAFF RECOMMENDATION:**

Consider approval of an Interlocal Agreement for Municipal Court Services as presented.

**AMENDED INTERLOCAL AGREEMENT**

This Amended Interlocal Agreement (the “Agreement”) is entered on the 1 day of February, 2026 by and between the City of Breckenridge, Texas, a Texas home-rule municipality operating under Article XI, Sec. 5 of the Texas Constitution (the “City”) and Stephens County, a political subdivision of the State of Texas (the “County”).

**RECITALS**

**WHEREAS**, the City operates a municipal court pursuant to Section 4.26 of its Charter and Section 29.002 of the Texas Government Code, which has jurisdiction over criminal cases arising under City ordinances and Class C misdemeanors occurring with the City limits;

**WHEREAS**, the County operates a justice court pursuant to Chapter 27 of the Texas Government Code, which has jurisdiction over Class C misdemeanors occurring within the County limits, civil cases in which the amount in controversy is less than \$20,000, cases of forcible entry and detainer, and certain foreclosures and expunction proceedings;

**WHEREAS**, for financial and efficiency purposes, the City and the County wish to coordinate the operation of the municipal and justice courts pursuant to the terms of this Agreement;

**WHEREAS**, to accomplish this purpose, the City and the County entered into an Interlocal Agreement dated January 18, 2022 whereby the County agreed that the Justice of the Peace could serve as the Municipal Court Judge and the Municipal Court offices would be housed in, and operated by, the County, provided that the City would reimburse the County’s expenses for such services on a quarterly basis;

**WHEREAS**, the City and the County wish to continue operating under said Interlocal Agreement, provided that the City begins paying the County a fixed amount for said services, and to coincide the term of the Agreement with the calendar year; and

**WHEREAS**, the City and the County are authorized to enter into an interlocal agreement pursuant to Chapter 791 of the Texas Government Code to cooperate with each other to perform governmental functions and services.

**AGREEMENT**

**NOW THEREFORE**, in consideration of the mutual covenants and agreements herein contained, the City and the County agree as follows:

- 1. Municipal Court Judge.
  - (a) The City Commission of the City shall appoint the currently serving Justice of the Peace (the “JP”) of the County to serve as the City’s Municipal Court Judge for a two-year term, effective as of February 1, 2022, January 1, 2024, and each January 1<sup>st</sup> of each even numbered year during the term of this Agreement. The County agrees that its JP will serve as the City’s Municipal Court Judge.

(b) The JP, serving as the Municipal Court Judge, shall be responsible for performing those duties customary to the office of Municipal Court Judge, including, but not limited to, magistrating defendants who are charged in the municipal court, issuing seizure warrants, and conducting animal hearings under the Texas Health & Safety Code, and conducting public nuisance hearings under Chapter 4 of the Breckenridge Code of Ordinances.

(c) As the Municipal Court Judge, the County's JP shall be required to complete sixteen (16) hours of training, per year, regarding municipal court powers, functions, and operations. The City shall be responsible for all reasonable costs incurred in completing said training.

(d) Should a different person be elected as the County's JP, the City Commission will remove the previous JP from office and appoint the new JP as the Municipal Court Judge.

(e) The City agrees to pay Six Hundred Dollars (\$600.00) per month, beginning on January 1, 2025, directly to the Municipal Court Judge.

## 2. Court Offices.

(a) On February 1, 2022, the City's Municipal Court offices will relocate to the County's Justice Court offices.

(b) The County shall allow the City to use the phone number and phone system used by the Justice Court and shall be responsible for all costs of the phone service, including, but not limited to, adding additional phone lines as may be necessary for the operation of both Courts. The City shall incur the initial cost, if any, to transfer the Municipal Court's phone and fax lines to Justice Court office.

(c) The County agrees to provide reasonable space for the City's Municipal Court Clerk, as well as all of the Municipal Court records, books, and other equipment or supplies used by the Court.

(d) The City's Municipal Court shall hold hearings and trials in the County's courtroom, and the County agrees to make reasonable accommodations to allow such proceedings to occur.

(e) The County shall be responsible for performing adequate maintenance of the Court offices and shall be responsible for all costs of utilities. The County shall also be responsible for equipping the Court office with adequate furniture.

(f) The City shall reimburse the County, on a quarterly basis, for half the cost of supplies. The County shall provide a detailed statement on the expenses incurred during the quarter.

## 3. Court Recordkeeping and Finances.

(a) The records and files of each the Municipal Court and the Justice Court shall remain separate.

(b) Each Court shall maintain its electronic files on separate computers using the respective Court's current computer system.

(c) The County's JP shall determine the fines and damages for cases filed in the Justice Court, and the JP, serving as the Municipal Court Judge, shall determine the fines for cases filed in the Municipal Court.

(d) All fines, court costs, and damages collected by each Court shall be maintained in separate accounts and not commingled in any way. All fines and court costs collected by the Municipal Court shall be the property of the City. All fines and court costs collected by the Justice Court shall be the property of the County.

4. Court Clerks.

(a) The County's JP shall be responsible for supervising and overseeing the work of each Court Clerk. Discipline of the Justice Court Clerk shall be handled pursuant to the County's policies. Discipline of the Municipal Court Clerk shall be referred to, and handled by, the City's City Manager.

(b) If a new Municipal Court Clerk is hired by the City, the County's JP will be entitled to be involved in the hiring process.

(c) The salary and other employee benefits given to the Municipal Court Clerk shall be the sole responsibility of the City. The salary and other employee benefits given to the Justice Court Clerk shall be the sole responsibility of the County.

(d) Each Court Clerk may assist with tasks for the other Court, as directed by the County's JP. Either Court Clerk may accept and process payment for fines and court costs for either Court's cases.

(e) The Municipal Court Clerk shall attend Municipal Court Clerk training provided by the Texas Municipal Courts Education Center, annually, the cost of which shall be borne by the City. The Justice Court Clerk shall attend Justice Court Clerk training provided by Stephens County, annually, the cost of which shall be borne by the County.

5. Prosecutors.

(a) The City Attorney, or Deputy City Attorney, shall be responsible for prosecution of cases filed with the Municipal Court. The City shall be solely responsible for the costs of the City Attorney or Deputy City Attorney in prosecuting Municipal Court cases.

(b) The County Attorney, or Deputy County Attorney, shall be responsible for prosecution of cases filed with the Justice Court. The County shall be solely responsible for the salary of the County Attorney or Deputy County Attorney.

6. General.

(a) *Term.* The term of this Agreement shall be two years, beginning on February 1, 2026 and ending on January 31, 2028. This Agreement shall automatically renew for additional two-year terms beginning in January of 2028 unless either party provides notice to the other party that it does not wish to renew at least ninety (90) days before the end of the then-current term.

(b) *Nonappropriation of Funds.* Each party will strive to ensure that sufficient amounts are budgeted each year for each party to comply with this Agreement. However, should either party fail to appropriate adequate funds to comply with this Agreement, the party failing to so appropriate shall provide notice to the other party at least ninety (90) days prior to the end of the fiscal year in which funds were budgeted. In such case, this Agreement will terminate at the end of the fiscal year in which funds were budgeted.

(c) *Breach.* If any party fails to comply with any provision of this Agreement, the other party shall send written notice of that fact to the breaching party. The Agreement will terminate if the breach is not cured within thirty (30) days after the date notice is received. A waiver by a party of any breach of this Agreement will not operate as a waiver of any other breach of this Agreement.

(d) *Venue.* All parties agree that exclusive venue for any action arising from this Agreement will lie in the District Court located in Stephens County, Texas.

(e) *Severability.* If any portion of this Agreement is found to be invalid or unenforceable, the remaining provisions will remain in full force and effect and the parties will negotiate in good faith to substitute for such invalid, illegal, or unenforceable provision with a mutually acceptable provision consistent with the original intentions of the parties.

(f) *No Waiver of Defense.* Nothing in this Agreement will be construed to waive, modify, or amend any legal defense available to either party, or any past or present City Commissioners, County Commissioner, officer, agent, or employee, including but not limited to governmental immunity from suit as provided by law.

(g) *Assignment.* This Agreement may not be assigned without the written consent of both parties.

(h) *Independent Contractors.* The parties to this Agreement are independent contractors. No party will have any rights, power, or authority to act or create an obligation, express or implied, on behalf of another party except as specified in this Agreement.

**This Amended Interlocal Agreement was duly approved by the City Commission of the City of Breckenridge on the 3rd day of February, 2026.**

\_\_\_\_\_  
Cynthia Northrop, City Manager

ATTEST:

\_\_\_\_\_  
Jessica Sutter, City Secretary

S E A L

This Amended Interlocal Agreement was duly approved by the Commissioners Court of Stephens County on the \_\_\_\_\_ day of \_\_\_\_\_ 2026.

\_\_\_\_\_  
Michael Roach, County Judge

ATTEST:

\_\_\_\_\_  
Jackie Ensey, County Clerk



## BRECKENRIDGE CITY COMMISSION AGENDA SUMMARY FORM

**Subject:** Consider approval of Resolution 2026-06 continuing membership in the Steering Committee of Cities Served by Oncor and the 2026 assessment.

**Department:** Administration

**Staff Contact:** Cynthia Northrop

**Title:** City Manager

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**BACKGROUND INFORMATION:**

The City of Breckenridge is a member of a 174-member city coalition known as the Steering Committee of Cities Served by Oncor (Steering Committee). The resolution approves the assessment of a ten cent (\$0.10) per capita fee to fund the activities of the Steering Committee.

The Steering Committee undertakes activities on behalf of municipalities for which it needs funding support from its members. Municipalities have original jurisdiction over the electric distribution rates and services within the city. The Steering Committee has been in existence since the late 1980s. It took on a formal structure in the early 1990s. Empowered by city resolutions and funded by per capita assessments, the Steering Committee has been the primary public interest advocate before the Public Utility Commission, ERCOT, the courts, and the Legislature on electric utility regulation matters for over three decades.

The Steering Committee is actively involved in rate cases, appeals, rulemakings, and legislative efforts impacting the rates charged by Oncor Electric Delivery Company, LLC within the City. Steering Committee representation is also strong at ERCOT. It is possible that additional efforts will be necessary on new issues that arise during the year, and it is important that the Steering Committee be able to fund its participation on behalf of its member cities. A per capita assessment has historically been used and is a fair method for the members to bear the burdens associated with the benefits received from that membership.

**FINANCIAL IMPACT:**

The annual assessment is \$586.80.

**STAFF RECOMMENDATION:**

Consider approval of Resolution 2026-06 as presented.

RESOLUTION NO. 2026-06

A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AND AUTHORIZING THE PAYMENT OF TEN CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND LEGAL PROCEEDINGS AND ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY, LLC.

WHEREAS, the City of Breckenridge is a regulatory authority under the Public Utility Regulatory Act (PURA) and has exclusive original jurisdiction over the rates and services of Oncor Electric Delivery Company, LLC (Oncor) within the municipal boundaries of the city; and

WHEREAS, the Steering Committee of Cities Served By Oncor (Steering Committee) has historically intervened in Oncor rate proceedings and electric utility related rulemakings to protect the interests of municipalities and electric customers residing within municipal boundaries; and

WHEREAS, the Steering Committee is participating in Public Utility Commission dockets and projects, as well as court proceedings, and legislative activity, affecting transmission and distribution utility rates; and

WHEREAS, the City is a member of the Steering Committee; and

WHEREAS, the Steering Committee functions under the direction of an Executive Committee which sets an annual budget and directs interventions before state and federal agencies, courts and legislatures, subject to the right of any member to request and cause its party status to be withdrawn from such activities; and

WHEREAS, the Steering Committee at its December 2025 meeting set a budget for 2026 that compels an assessment of ten cents (\$0.10) per capita; and

WHEREAS, in order for the Steering Committee to continue its participation in these activities which affects the provision of electric utility service and the rates to be charged, it must assess its members for such costs.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRECKENRIDGE, TEXAS:

I.

That the City is authorized to continue its membership with the Steering Committee of Cities Served by Oncor to protect the interests of the City of Breckenridge and protect the interests of the customers of Oncor Electric Delivery Company, LLC residing and conducting business within the City limits.

II.

The City is further authorized to pay its assessment to the Steering Committee of ten cents (\$0.10) per capita based on the population figures for the City shown in the latest TML Directory of City Officials.

III.

A copy of this Resolution and the assessment payment check made payable to “*Steering Committee of Cities Served by Oncor*” shall be sent to Brandi Stigler, Steering Committee of Cities Served by Oncor, c/o City Attorney’s Office, Mail Stop 63-0300, 101 S. Mesquite St., Suite 300, Arlington, Texas 76010.

PRESENTED AND PASSED on this the 10th day of February 2026, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays at a regular meeting of the City Council of the City of Breckenridge, Texas.

\_\_\_\_\_  
Bob Sims  
Mayor

ATTEST:

\_\_\_\_\_  
Jessica Sutter  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Signature  
City Attorney

# 2025 OCSC Newsletter

## 2025 YEAR IN REVIEW ISSUE

This past year was an active one for the Steering Committee of Cities Served by Oncor. This Year in Review edition of the OCSC newsletter highlights significant 2025 events and looks ahead to 2026.



## ONCOR 2025 YEAR IN REVIEW

### **Oncor Files 2025 Rate Case Ahead of Schedule; Reaches Settlement with OCSC, Other Parties**

The OCSC and other interested parties have reached a settlement with Oncor Electric in a rate case under which the Dallas utility seeks to collect an additional \$834 million annually, or approximately 13 over the company's present revenues of \$6.4 billion.

Although the details have yet to be revealed, a letter was filed with the Public Utility Commission on Nov. 13, 2025, stating a settlement with parties has been reached in principle.

If approved without changes, the utility's initial rate request will add approximately \$7 to monthly bills of 1,000 kilowatt hours of use. According to Oncor, that would represent a 4.7 percent bill increase.

Oncor filed for the base rate change on June 26, which was more than a year ahead of schedule. The company indicated it filed early because of "hyper-growth" in its service territory and because it wants to profit from its investments more quickly.

Oncor's rate filing is based on system-wide financial results for the 12-month test year ending on Dec. 31, 2024. If approved without changes, the added \$834 million would represent a 13 percent increase over current annualized revenues of \$6.4 billion, according to the company.

In mid-November, parties to the pending rate case, including municipal and industry intervenors, notified the Administrative Law Judge of the settlement in principle. However, the formal settlement agreement has not yet been filed with the PUC.

Find more information under Docket No. 58306.



## Decatur, McGregor, and Thorndale Join OCSC in 2025

The Steering Committee of Cities Served by Oncor has added three new members in 2025: the cities of Decatur, McGregor and Thorndale. With these new additions, OCSC now has 174 members.

### Decatur

With a population of about 6,500, this charming town, about 40 miles northwest of Fort Worth, is named for the naval hero Stephen Decatur. In 1857, a post office was opened, and the first school was established in 1857. Decatur's crown jewel, the Wise County Courthouse, was built in 1896. Decatur also is home to one of the largest auto-swap meets in the nation, held every February at the Wise County Fairgrounds on the southern edge of the city. Area attractions also include the 13,000-acre Lake Bridgeport, offering a host of boating activities and prime fishing as well as an 18-hole golf course in Runaway Bay.

### McGregor

Located in McLennan and Coryell counties, near Waco, McGregor has a population of about 5,800. The town is the site of the former Bluebonnet Ordnance Plant that made munitions during World War II. After the war, the site was used by several rocket-making companies. SpaceX now has a rocket engine development and test facility in McGregor.

### Thorndale

With a population of about 1,400, Thorndale is an incorporated community located in Milam and Williamson counties about 40 miles northeast of Austin. Established in 1878, shortly after the construction of an International-Great Northern Railroad line through the area, Thorndale was named by a railroad employee after the area's abundant thorny vegetation—mesquite thorn, prickly pear, and sagebrush.

## PUC, RRC Implement in 2025 New Utility Laws from the 89th Texas Legislature

During the Texas Legislature's 89th regular session, lawmakers filed more than 250 bills relating to electric and gas utility matters. Of the smaller subset of these bills that made it past the finish line, several must now be expanded upon in rulemaking proceedings at state agencies. Meanwhile, other new laws from the 88th session are still undergoing agency implementation. Below, we highlight ongoing and recently completed rulemakings at the PUC.

**HB 145 by Rep. Ken King** relates to wildfire mitigation plans for electric utilities. On November 14, 2025, the PUC adopted new **16 Tex. Admin. Code § 25.60** and amended existing **16 Tex. Admin. Code § 25.231** to implement this new legislation. The new rules will require each electric utility, municipally owned utility, and electric cooperative that owns a transmission or distribution facility in a wildfire risk area to seek PUC approval of a wildfire mitigation plan and subsequently implement the plan. The PUC additionally modified criteria and conditions related to electric utilities' use of self-insurance reserve funds for damages from a wildfire event. The new rule took effect on December 4, 2025. More information is available on the PUC Interchange under Project No. 56789.

**Senate Bill ("SB") 6 by Sen. Phil King and Sen. Charles Schwertner** was a significant multi-faceted piece of utility legislation from the 89th session. The PUC divided the

necessary rulemakings into different projects based on sections of the bill. Under Section 4 of SB 6, large loads (75 megawatts ("MW") or greater) co-locating behind the meter with new generation resources are required to file a net-metering plan with ERCOT. The PUC approved a Proposal for Publication relating to net metering arrangements on September 18, 2025, and stakeholders filed comments throughout October. Proposed **16 Tex. Admin. Code § 25.205** will apply to net metering arrangements involving a large load and an existing generation resource. The rule will also establish criteria for ERCOT's study of a proposed net metering arrangement and prescribe certain procedural steps. More information is available on the PUC Interchange under Project No. 58479.

Section 2 of SB 6 calls for the establishment of criteria for ERCOT to forecast peak demand for large loads. The ERCOT forecast would then be used for transmission planning and evaluation of resource adequacy. The PUC approved a Proposal for Publication relating to large load forecasting criteria on September 18, 2025, and stakeholders filed comments throughout October. Proposed **16 Tex. Admin. Code § 25.370** will identify the criteria a large load customer must satisfy to be included in the load data submitted to ERCOT for developing the load forecasts contemplated under the new law. More information is available on the PUC Interchange under Project No. 58480.

A third SB 6 rulemaking focuses on reevaluation of the Four Coincident Peak (“4CP”) methodology of transmission cost allocation. The 4CP methodology was intended to equitably allocate transmission costs to those who impact system-wide peak demand the most. Any changes to the 4CP methodology could shift transmission cost responsibility among classes of market participants. Since August 2025, PUC Staff has issued multiple sets of questions for stakeholder input under Project No. 58484. While many respondents recognize a need to modify the 4CP methodology, there appears to be little consensus on the most appropriate method for the PUC to adopt.

Another SB 6 rulemaking focuses on establishing standards for interconnecting large load customers in the ERCOT power region in a manner designed to support business development in this state while minimizing the potential for stranded infrastructure costs and maintaining system reliability. The rule will also ensure that a large load customer who is subject to the standards adopted under PURA § 37.0561 contributes to the recovery of the interconnecting electric utility’s costs to interconnect the large load to the utility’s system. This rule is anticipated to be in place by July 2026. More information is available on the PUC Interchange under Project No. 58481.

A final SB 6 rulemaking relates to the PUC requiring ERCOT to develop a reliability service to competitively procure demand reductions from large load customers with a demand of at least 75 MWs to be deployed in the event of an anticipated emergency condition. No filings have been made yet related to this rulemaking, but more information will be available on the PUC Interchange under Project No. 58482.

**SB 231 by Sen. Phil King** reforms a pre-existing statute related to Temporary Emergency Electric Energy Facilities, known as “TEEEF” or colloquially referred to as “mobile generation.” Throughout September 2025, PUC Staff elicited initial and reply comments on proposed amendments to **16 Tex. Admin. Code § 25.56** under Project No. 58392. The draft rule focused on incorporating new guardrails from the amended law, including the process for PUC approval and parameters around mobility, boot-up time, and maximum generating capacity. As of the end of 2025, no final Proposal for Adoption had been published, but we can expect PUC consideration of a final draft rule in the coming months.

In addition to the above rulemakings arising out of the 89th session, the PUC used the latter half of 2025 to continue implementing new and modified laws from the 88th session. Of note is the implementation of **HB 1500 filed by several authors and known as the 2023 Sunset bill**. One

key feature of HB 1500 was the requirement for renewable resources interconnected after January 1, 2027, to be available during certain high risk and emergency intervals. On December 18, 2025, the PUC adopted Firming Program Requirements for Electric Generation Facilities in the ERCOT Region under new **16 Tex. Admin. Code § 25.65**. In addition to establishing electric generation performance requirements, the rule establishes a framework for ERCOT to impose financial penalties and incentives depending on a generation facility’s failure to comply or success in exceeding requirements. There continues to be discussion on how these requirements may interact with other legislative directions on electric market changes. The rule took effect on January 8, 2026. More information is available on the PUC Interchange under Project No. 58198.

HB 1500 additionally teed up a rulemaking on PUC verbal directives requiring ERCOT to take official action. Proposed **new 16 Tex. Admin. Code § 25.368** is meant to codify a statute that prohibits the PUC from verbally directing ERCOT to take an official action – except under limited circumstances. By law, the PUC may direct ERCOT to take an official action only through (1) a contested case; (2) a rulemaking; or (3) a memorandum or written order adopted by a majority vote. The PUC approved a Proposal for Publication relating to Commission directives to ERCOT on November 14, 2025, and stakeholders filed comments in December. More information can be found on the PUC Interchange under Project No. 57883.

The PUC also continues implementing provisions from SB 3, a broad-based law adopted in 2021 in response to that year’s winter emergency that led to statewide power outages. A proposed rule from that 2021 law that remains under consideration relates to the implementation of ERCOT’s Firm Fuel Supply Service, an ERCOT reliability service intended to address reliability during extreme heat and cold weather conditions. The FFSS provides market rewards to generators with on-site fuel. Resources eligible for the service under the authorizing statute, PURA § 39.159, include “on-site fuel storage, dual fuel capability, or fuel supply arrangements to ensure winter performance for several days.” PUC Staff have reviewed rulemaking recommendations filed in the spring by OCSC and other stakeholders, and then on October 23, 2025, proposed **new 16 Tex. Admin. Code §25.520**. Under the proposed rule, FFSS eligibility would be expanded to include generators with off-site natural gas storage arrangements. More information can be found on the PUC Interchange under Docket No. 58434.

## Oncor to Develop Scores of Planned Transmission Projects

With the emergence of new energy-hungry cryptocurrency mining operations, AI data centers, and hydrogen-related manufacturing plants, ERCOT finds itself experiencing a surge in energy demand like never before. In 2030, for instance, ERCOT foresees peak demand reaching 150 gigawatts. That’s about 80 percent more than this year’s peak.

This surge will bring new transmission challenges for ERCOT, and to plan for them, the grid operator employs both its traditional Regional Transmission Planning process and a separate Permian Basin Reliability Plan. The PUC has also called for the deployment of massive new 765-kV transmission lines for the first time ever. These ultra-high-capacity systems will complement the smaller 138 kV and 345 kV lines traditionally used to serve the state’s transmission network.

ERCOT, in 2025, released a summary of authorized transmission projects from the latest iteration of its Permian Basin Reliability Plan. This summary, which can be found on the PUC website under Project No. 55718, shows that the Oncor electric utility will be the developer for scores of these facilities. Separately, ERCOT has also released maps showing the general locations of anticipated lines both within the Permian Basin and statewide. We have reproduced clarified versions of those maps that you can find on the [OCSC website, here](#). The original maps can be found in a January 2025 ERCOT document found on the PUC website, also under Project No. 55718.

For the most part the exact routes for all these new lines have not been finalized. That process will be handled by the PUC over the next several years through complex “Certificate of Convenience and Necessity” proceedings that pit the state’s power needs against the needs of property owners. Transmission providers and stakeholders — such as municipalities and private citizens — can participate in this process.

## Texas Supreme Court in 2025 Dismisses Bulk of Winter Storm Uri Claims

Oncor, CenterPoint and AEP — the state’s three largest electric utilities — have prevailed in a Texas Supreme Court case under which the companies were alleged to have acted negligently during widespread blackouts four years ago.

In a June 27, 2025 order, the Texas high court ruled unanimously that the plaintiffs had not provided enough evidence to show purposeful negligence by the utilities when they cut power during Winter Storm Uri. At the time — the storm occurred in February 2021 — the utilities were acting under ERCOT orders.

“The alleged ‘nuisance’ here is prolonged freezing temperatures during Winter Storm Uri,” Justice Debra Lehrmann wrote. “The allegations do not suggest that the utilities created or exacerbated the cold temperatures or affirmatively maintained them. Rather, the plaintiffs complain that the utilities failed to adequately respond to and mitigate the harm caused by those temperatures. That is not a basis for an intentional-nuisance claim.”

Similarly, the court ruled against gross negligence claims by the plaintiffs, although the door was left open for plaintiffs to replead those claims at the Harris County multi-district litigation (MDL) court.

The utilities faced hundreds of lawsuits filed by thousands of customers after mass outages during the Uri. Those lawsuits were consolidated into an MDL proceeding. The February 2021 storm outage killed hundreds of Texans, resulted in billions of dollars in damages, and bankrupted several electric companies.

Oncor spokesperson Roxana Rubio expressed satisfaction that the ruling barred plaintiffs from pursuing six of the seven original causes of action they initially alleged, according to media reports. Ms. Rubio also expressed confidence that the case will “be fully dismissed should the plaintiffs attempt to pursue an allegation of gross negligence” under imitations of set by the high court. However, “we recognize this does not lessen the anguish experienced by our customers and by Texans across the state during that time,” she said, according to media reports.

CenterPoint said the company “acted quickly to save the electric grid when demand exceeded supply” as it implemented ERCOT’s load-shed orders. “If plaintiffs replead, CenterPoint will continue to vigorously defend against plaintiffs’ remaining claim in the trial and appellate courts,” the company said, according to media reports.

## 2025 Rate-Case Roundup

### Oncor Receives Another DCRF Rate Increase, Fifth Since 2023

Oncor received another interim rate increase under the Distribution Cost Recovery Factor program — its fifth request since June 2023. With this latest filing, under the PUC. Doc. No. 57707, the total of approved or proposed DCRF increases for Oncor since the summer of 2023 comes to about \$484 million.

Under this latest request, filed with the PUC on Feb. 15, the company initially proposed to increase revenues by \$107,637,154. Under the final order, approved on April 24, 2025, the increase instead will be \$106,335,049 — or \$1,302,105 less than initially sought by Oncor. Even still, however, the increase remains the second-largest DCRF adjustment since the company received \$152,508,937 under its June 2023 request in PUC Doc. No. 55190.

In the latest filing, the per-customer DCRF charge will increase from \$.004443 per kilowatt hour approved in its most recent DCRF to \$.005772.

The repeated rate hikes are a result of state laws adopted in 2011 and 2023 that created and then modified the DCRF ratemaking process. Under it, transmission and distribution utilities can file for rate increases at the Public Utility Commission to recover capital expenditures on their distribution systems in an expedited fashion.

Under DCRF rules, the PUC reviews the rate requests in an accelerated fashion, and interested parties, such as the Steering Committee of Cities Served by Oncor, can intervene in those reviews. Details of Oncor's four recent rate filings include:

#### **Docket No. 55190**

- Application filed on June 29, 2023.
- Distribution revenue requirement increase requested by utility: \$152,777,465.
- Distribution revenue requirement increase granted: \$152,508,937 (\$268,528 decrease from request).

#### **Docket No. 55525**

- Application filed on September 15, 2023.
- Distribution revenue requirement increase requested by utility: \$56,536,428.
- Distribution revenue requirement increase granted: \$53,536,428 (\$3 million decrease from request).

#### **Docket No. 56306**

- Application filed on March 1, 2024.
- Distribution revenue requirement increase requested by utility: \$81,323,915.
- Distribution revenue requirement increase granted: \$81,323,915.

#### **Docket No. 56963**

- Application filed on August 16, 2024.
- Distribution revenue requirement increase requested by utility: \$90,288,143.
- Distribution revenue requirement increase granted: \$90,288,143.

#### **Docket No. 57707**

- Application filed on Feb. 15, 2025.
- Distribution revenue requirement increase requested by utility: \$107,637,154.
- Distribution revenue requirement increase granted: \$106,335,049 (\$1,302,105 less than requested).

## 2025 Transmission-Only Rate Cases

OCSC defended consumer interests during 2025 in several rate cases filed by major transmission-only electric utilities. Under ERCOT rules, transmission charges are borne by residential, commercial, and industrial customers.

- **Cross Texas Transmission (“CTT”):** CTT filed a statement of intent to change rates and tariffs on Jan. 14, 2025, where it sought a revenue requirement of \$76,506,194, representing an approximately 7.05% increase over its currently approved revenue requirement. Cross Texas also asked for a return on equity (“ROE”) of 10.6 percent. OCSC and other stakeholders conducted discovery and filed testimony. After discussions with Cross Texas and the other parties, all parties reached a settlement agreement resulting in a revenue requirement of \$72,631,149 and ROE of 9.60 percent. The PUC approved the rates, terms, and conditions set forth in the settlement agreement on September 11, 2025. More information can be found under PUC Docket No. 57467.
- **Wind Energy Transmission Texas (“WETT”):** WETT filed a statement of intent to change rates and tariffs on Dec. 3, 2024, seeking a revenue requirement for the provision of electric transmission service in Texas of \$136,602,978, an increase of \$15,949,204 over the utility’s adjusted test year revenues. WETT also requested a return on equity of 10.5 percent. OCSC and other stakeholders conducted discovery and filed direct testimony. After discussions with WETT and the other parties, all parties reached a settlement agreement resulting in a revenue requirement of \$130,631,220 and ROE of 9.6 percent. The PUC approved the rates, terms, and conditions set forth in the settlement agreement on June 20, 2025. More information can be found under PUC Docket No. 57299.
- **Electric Transmission Texas:** On Jan. 31, 2025 Electric Transmission Texas filed an application to change its rates and tariffs. ETT is a transmission-only utility that owns over 2,000 miles of transmission throughout the ERCOT region, including the Lower Rio Grande Valley and the Texas Panhandle. In its application, ETT sought a revenue requirement of approximately \$426.3 million — an increase of \$56.6 million over its test year revenue. In addition, ETT requested a 10.6 percent return on equity. Parties, including the OCSC, entered settlement negotiations over this proposed rate increase and agreed instead on a \$36.3 million decrease. Parties also agreed to a return on equity of 9.6 percent. The PUC adopted the order on Oct. 2. More information can be found under PUC Docket No. 57518.

2026 OCSC Meetings  
March 5  
June 11 — Virtual  
September 10  
December 10 — Virtual

OCSC Officers  
Chair—Molly Shortall  
Secretary—Chuong Phung  
Treasurer—David Johnson

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For more questions or concerns regarding any ACSC matter or communication, please contact the following representative, who will be happy to provide assistance:



Thomas L. Brocato  
(512) 322-5857  
tbrocato@lglawfirm.com

Jamie Mauldin  
(512) 322-5890  
jmauldin@lglawfirm.com



**BRECKENRIDGE CITY COMMISSION  
AGENDA SUMMARY FORM**

**Subject:** Discussion and any necessary action regarding annual audit for FY 2024-2025.

**Department:** Administration

**Staff Contact:** Cynthia Northrop

**Title:** City Manager

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**BACKGROUND INFORMATION:**

Our Auditors have completed the annual audit for FY 2024/2025 and will make a presentation.

**FINANCIAL IMPACT:**

\$29,000 (budgeted expense)

**STAFF RECOMMENDATION:**

Consider acceptance of the annual audit 2024/2025.



January 27, 2026

Honorable Mayor and City Commission Members  
City of Breckenridge

Ladies and Gentlemen:

We have audited the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund and the aggregate remaining fund information of the City of Breckenridge, Texas for the year ended September 30, 2025. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards, *Government Auditing Standards* and the Uniform Guidance, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our engagement letter to you dated April 30, 2025. Professional standards also require that we communicate to you the following information related to our audit.

#### Significant Audit Findings

##### *Qualitative Aspects of Accounting Practices*

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the City of Breckenridge, Texas are described in Note 1 to the financial statements. The City changed accounting policies related to compensated absences by adopting Statement of Governmental Standards (GASB Statement) No. 101 Compensated Absences, in 2025 as described in Note 16 to the financial statements. We noted no transactions entered into by the City during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. We evaluated key factors and assumptions used to develop estimates in determining it is reasonable in relation to the financial statements taken as a whole.

The financial statement disclosures are neutral, consistent and clear.

##### *Difficulties Encountered in Performing the Audit*

We encountered no significant difficulties in dealing with management in performing and completing our audit.

### *Corrected and Uncorrected Misstatements*

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. The attached list of misstatements detected as a result of audit procedures were corrected by management.

### *Disagreements with Management*

For purposes of this letter, a disagreement with management is a financial accounting, reporting or auditing matter, whether or not resolved to our satisfaction that could be significant to the City's financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

### *Management Representations*

We have requested certain representations from management that are included in the management representation letter dated January 27, 2026.

### *Management Consultation with Other Independent Accountants*

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a “second opinion” on certain situations. If a consultation involves application of an accounting principle to the governmental unit’s financial statements or a determination of the type of auditor’s opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

### *Other Audit Findings or Issues*

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the governmental unit’s auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

### Other Matters

We applied certain limited procedures to the Management’s Discussion and Analysis, Schedule of Revenues, Expenditures, and Changes in Fund Balance – Budget and Actual – General Fund, Schedule of Changes in Net Pension Liability and Related ratios – Texas Municipal Retirement System, Schedule of Contributions – Texas Municipal Retirement System, and Schedule of Changes in Total OPEB Liability and Related Ratios, which are required supplementary information (RSI) that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management’s responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

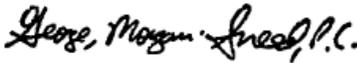
We were engaged to report on the combining fund statements, which accompany the financial statements but are not RSI. With respect to this supplementary information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

We were not engaged to report on the other supplementary information, which accompany the financial statements but are not RSI. Such information has not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on it.

Restriction on Use

This information is intended solely for the use of the City Commission and management of the City of Breckenridge, Texas, and is not intended to be, and should not be, used by anyone other than these specified parties.

Very truly yours,



GEORGE, MORGAN & SNEED, P.C.

**Client:** CITY OF BRECKENRIDGE  
**Engagement:** City of Breckenridge 2025  
**Current Period:** 09/30/2025  
**Workpaper:** proposed audit adjustments

Account	Description	Debit	Credit	Net Income Effect
<b>GMS01</b>				
To adjust opeb liabilities at year end				
102-1-00-1914	DEFERRED OUTFLOW-TMRS OPEB	0.00	2,411.00	
102-2-00-2083	Deferred Inflow-TMRS OPEB	0.00	771.00	
102-2-00-2082	TMRS OPEB LIABILITY	0.00	6,073.00	
102-5-70-5210	Retirement	1,024.00	0.00	
102-5-71-5210	Retirement	533.00	0.00	
102-5-73-5210	Retirement	2,601.00	0.00	
102-5-74-5210	Retirement	5,097.00	0.00	
103-1-00-1914	DEFERRED OUTFLOW-TMRS OPEB	0.00	1,412.00	
103-2-00-2083	Deferred Inflow-TMRS OPEB	2,400.00	0.00	
103-2-00-2082	TMRS OPEB LIABILITY	7,497.00	0.00	
103-5-77-5210	Retirement	0.00	8,485.00	
104-1-00-1914	Deferred Outflow - TMRS OPEB	39.00	0.00	
104-2-00-2083	Deferred Inflow - TMRS OPEB	0.00	132.00	
104-2-00-2082	TMRS OPEB Liability	0.00	478.00	
104-5-42-5210	Retirement	571.00	0.00	
<b>Total</b>		<b>19,762.00</b>	<b>19,762.00</b>	<b>(1,341.00)</b>

<b>GMS02</b>				
To adjust net pension liability at year end				
102-1-00-1913	Deferred Outflow-Investment Ex	0.00	34,982.00	
102-2-00-2080	Deferred Inflow-Actual Experi	0.00	12,958.00	
102-2-00-2081	Net Pension Liability	18,188.00	0.00	
102-5-70-5210	Retirement	3,290.00	0.00	
102-5-71-5210	Retirement	1,715.00	0.00	
102-5-73-5210	Retirement	8,361.00	0.00	
102-5-74-5210	Retirement	16,386.00	0.00	
103-1-00-1913	Deferred Outflow-Investment Ex	0.00	21,848.00	
103-2-00-2080	Deferred Inflow-Actual Experi	652.00	0.00	
103-2-00-2081	Net Pension Liability	26,828.00	0.00	
103-5-77-5210	Retirement	0.00	5,632.00	
104-1-00-1913	Deferred Outflow-Investment Ex	460.00	0.00	
104-2-00-2080	Deferred Inflow-Actual Experi	0.00	270.00	
104-2-00-2081	Net Pension Liability	0.00	1,018.00	
104-5-42-5210	Retirement	828.00	0.00	
102-1-00-1912	Deferred Outflow of ResoucesCo	0.00	938.00	
102-5-70-5210	Retirement	104.00	0.00	
102-5-71-5210	Retirement	54.00	0.00	
102-5-73-5210	Retirement	263.00	0.00	
102-5-74-5210	Retirement	517.00	0.00	
103-1-00-1912	Deferred Outflow of ResoucesCo	29.00	0.00	
103-5-77-5210	Retirement	0.00	29.00	
104-1-00-1912	Deferred Outflow of ResoucesCo	1,405.00	0.00	
104-5-42-5210	Retirement	0.00	1,405.00	

**Total** 79,080.00 79,080.00 (24,452.00)

**GMS03**

To adjust property tax receivable to current year amount.

101-1-00-1207	CURRENT TAXES RECEIVABLE	0.00	116,875.99	
101-1-00-1209	DELINQUENT TAXES RECEIVABLE	119,709.42	0.00	
101-2-00-2051	ALLOW.- UNCOLLECTABLE PROP.	0.00	2,484.53	
101-2-00-2055	DEFERRED TAX REVENUE	0.00	348.90	
198-1-00-1207	Current Taxes Receivable	0.00	38,939.00	
198-1-00-1209	Delinquent Taxes Receivable	36,105.57	0.00	
198-2-00-2051	Allow. for Uncollectable Prope	0.00	783.61	
198-2-00-2055	Deferred Tax Revenue	3,617.04	0.00	
<b>Total</b>		<u>159,432.03</u>	<u>159,432.03</u>	<u>0.00</u>

**GMS04**

To adjust allowances for doubtful accounts.

102-1-00-1290	Allowance for Doubtful Account	0.00	10,245.08	
102-4-00-4201	Water Sales - Metered	10,245.08	0.00	
103-1-00-1290	Allowance for Doubtful Account	0.00	9,125.41	
103-4-00-4209	Waste Water Services	9,125.41	0.00	
104-1-00-1290	Allowance for Doubtful Account	0.00	3,372.29	
104-4-00-4215	Residential/Poly Cart	3,372.29	0.00	
<b>Total</b>		<u>22,742.78</u>	<u>22,742.78</u>	<u>(22,742.78)</u>

**GMS05**

To balance transfers.

103-1-00-1517	Construction in Progress	152,000.00	0.00	
103-4-00-4915	Operating Transfers In	0.00	152,000.00	
<b>Total</b>		<u>152,000.00</u>	<u>152,000.00</u>	<u>152,000.00</u>

**GMS06**

To adjust accrued interest to current year amount.

102-2-00-2029	Accrued Interest Payable Bond	301.23	0.00	
102-5-90-7492	Interest Expense	0.00	301.23	
103-2-00-2029	Accrued Interest Payable Bond	1,095.76	0.00	
103-5-90-7614	Interest Expense	0.00	1,095.76	
<b>Total</b>		<u>1,396.99</u>	<u>1,396.99</u>	<u>1,396.99</u>

**GMS07**

To reclassify copier lease payments according to GASB 87.

103-2-00-2137	Lease Financing Liability	250.49	0.00	
103-2-00-2138	Long Term Lease Financing Liab	542.40	0.00	
103-5-77-7105	Rentals	0.00	823.08	
103-5-77-7135	Lease Financing Interest	30.19	0.00	
102-2-00-2137	Lease Financing Liability	0.00	2,662.79	
102-2-00-2138	Long Term Lease Financing Liab	3,455.68	0.00	
102-5-73-7105	Rentals	0.00	823.08	
102-5-73-7135	Lease Financing Interest	30.19	0.00	
101-5-18-7145	Lease Financing Principal	6,255.48	0.00	
101-5-18-7135	Lease Financing Interest	238.20	0.00	

101-5-18-7105	Rentals	0.00	6,493.68	
101-5-20-7145	Lease Financing Principal	5,113.03	0.00	
101-5-20-7135	Lease Financing Interest	194.69	0.00	
101-5-20-7105	Rentals	0.00	5,307.72	
101-5-24-7145	Lease Financing Principal	2,731.24	0.00	
101-5-24-7135	Lease Financing Interest	104.00	0.00	
101-5-24-7105	Rentals	0.00	2,835.24	
125-1-00-1560	Accum Amort:Right-of-Use Asset	0.00	13,611.00	
125-3-00-3111	Investment in GFA General Fund	13,611.00	0.00	
<b>Total</b>		<b><u>32,556.59</u></b>	<b><u>32,556.59</u></b>	<b><u>1,585.78</u></b>

**GMS08**

To adjust earned but unbilled utility revenue to current year amount.

102-4-00-4201	Water Sales - Metered	322.09	0.00	
102-4-00-4206	Water Sales - TDCJ	3,715.20	0.00	
102-4-00-4212	Water Sales High Mesa	90.00	0.00	
102-4-00-4202	Water Sales - Raw - at Plant	2,280.00	0.00	
102-1-00-1220	Unbilled Water/WasteWater Rece	0.00	6,407.29	
103-4-00-4209	Waste Water Services	19,027.99	0.00	
103-4-00-4207	Waste Water Services - TDCJ	2,181.60	0.00	
103-1-00-1220	Unbilled Water/WasteWater Rece	0.00	21,209.59	
<b>Total</b>		<b><u>27,616.88</u></b>	<b><u>27,616.88</u></b>	<b><u>(27,616.88)</u></b>

**GMS09**

To adjust court receivable to current year amount.

101-1-00-1235	ACCOUNTS RECEIVABLE COURT	59,050.00	0.00	
101-1-00-1236	ALLOWANCE FOR COURT COST	0.00	29,525.00	
101-2-00-2064	DEFERRED COURT COSTS	0.00	29,525.00	
<b>Total</b>		<b><u>59,050.00</u></b>	<b><u>59,050.00</u></b>	<b><u>0.00</u></b>

**GMS10**

To adjust accounts payable

101-2-00-2008	RESTRAINT FINES PAYABLE	81.50	0.00	
101-2-00-2007	COURT COST PAYABLE	13,631.58	0.00	
197-5-43-7231	Street Improvement Purchase	26,100.00	0.00	
102-5-74-5524	Lift Stations Repair By Contra	8,442.50	0.00	
101-5-24-5568	Legal Fees	2,203.25	0.00	
101-5-90-5567	Attorney	4,335.04	0.00	
101-5-20-5718	Law Enforcement Center Utiliti	10,797.25	0.00	
102-5-73-5536	WCTMWD Water	27,378.30	0.00	
101-5-21-5327	Euthanasia Supplies	14.47	0.00	
101-5-21-5333	Minor Equip	19.98	0.00	
101-5-16-5333	Minor Equipment	39.99	0.00	
101-5-20-5305	Office Supplies	65.73	0.00	
101-5-20-5305	Office Supplies	60.98	0.00	
101-2-00-2005	ACCOUNTS PAYABLE	0.00	31,249.77	
102-2-00-2005	Accounts Payable	0.00	35,820.80	
197-2-00-2005	Accounts Payable	0.00	26,100.00	
<b>Total</b>		<b><u>93,170.57</u></b>	<b><u>93,170.57</u></b>	<b><u>(79,457.49)</u></b>

**GMS11**

To adjust general fixed assets.

125-1-00-1517	Construction in Progress	3,601,309.95	0.00	
125-1-00-1517	Construction in Progress	0.00	725,998.76	
125-1-00-1505	Buildings	69,165.00	0.00	
125-1-00-1506	Building Improvements	382,129.76	0.00	
125-1-00-1502	INFRASTRUCTURE	432,768.00	0.00	
125-1-00-1511	Vehicles & Equipment	0.00	148,651.80	
125-1-00-1552	AccDep-Buildings	0.00	34,045.90	
125-1-00-1553	AccDep-Buildings Improvement	0.00	7,288.23	
125-1-00-1551	AccDep-Infrastructure	0.00	172,701.28	
125-1-00-1550	AccDep-Land Improvements	0.00	10,399.92	
125-1-00-1554	AccDep-Vehicles & Equipment	0.00	50,689.62	
125-1-00-1555	AccDep-Furniture/Fixtures	0.00	3,606.66	
125-1-00-1560	Accum Amort:Right-of-Use Asset	0.00	0.00	
125-3-00-3111	Investment in GFA General Fund	0.00	3,331,990.54	
<b>Total</b>		<b><u>4,485,372.71</u></b>	<b><u>4,485,372.71</u></b>	<b><u>0.00</u></b>

**GMS12**

To adjust enterprise funds fixed assets

102-1-00-1517	Construction in Progress	130,700.00	0.00	
102-1-00-1507	Water System	183,728.16	0.00	
102-5-73-7230	SYSTEMS IMPROVE PURCHASE	0.00	41,337.16	
102-5-74-7230	System Improvement Purchase	0.00	142,391.00	
195-5-73-7242	WTP-DWSRF Improvement	0.00	130,700.00	
102-1-00-1550	AccDep-Land Improvements	0.00	759.06	
102-1-00-1556	AccDep-Collection & Distributi	0.00	633,883.61	
102-1-00-1553	AccDep-Buildings Improvement	0.00	19,217.52	
102-1-00-1554	AccDep-Vehicles & Equipment	0.00	22,741.36	
102-1-00-1560	Accum Amort:Right-of-Use Asset	0.00	765.00	
102-5-74-7606	Amort Exp:Right-of-Use Asset	765.00	0.00	
102-5-90-7605	Depreciation Expense	676,601.55	0.00	
103-1-00-1556	AccDep-Collection & Distributi	0.00	227,599.62	
103-1-00-1553	AccDep-Buildings Improvement	0.00	1,587.30	
103-1-00-1554	AccDep-Vehicles & Equipment	0.00	127,973.67	
103-1-00-1560	Accum Amort:Right-of-Use Asset	0.00	765.00	
103-5-77-7606	Amort Exp: Right-of-Use Asset	765.00	0.00	
103-5-90-7605	Depreciation Expense	357,160.59	0.00	
132-1-00-1550	AccDep-Land Improvements	0.00	164.34	
132-1-00-1552	AccDep-Buildings	0.00	4,861.98	
132-5-90-7605	Depreciation Expense	5,026.32	0.00	
<b>Total</b>		<b><u>1,354,746.62</u></b>	<b><u>1,354,746.62</u></b>	<b><u>(725,890.30)</u></b>

**GMS14**

Accrue compensated absences in accordance with new GASB 101.

102-2-00-2084	Compensated Absences Payable	0.00	76,358.57	
102-3-00-3005	Retained Earnings	76,003.27	0.00	
102-5-74-5105	Regular Salaries	355.30	0.00	
103-2-00-2084	Compensated Absences Payable	0.00	20,339.45	
103-3-00-3005	Retained Earnings	19,212.43	0.00	
103-5-77-5105	Regular Salaries	1,127.02	0.00	

104-2-00-2084	Compensated Absences Payable	0.00	1,913.44	
104-3-00-3005	Fund Balance	312.00	0.00	
104-5-42-5105	Regular Salaries	1,601.44	0.00	
<b>Total</b>		<u><b>98,611.46</b></u>	<u><b>98,611.46</b></u>	<u><b>(3,083.76)</b></u>

**GMS15**

To reclassify capital lease payments.

111-4-00-4909	Transfer from Water Fund	344.65	0.00	
111-5-71-7220	Motor Vehicle Purchase	0.00	344.65	
102-5-90-9004	Transfer to Equip. Replacement	0.00	344.65	
102-5-90-7492	Interest Expense	344.65	0.00	
111-5-32-7223	Equipment Purchase	0.00	8,570.00	
111-5-33-7220	Motor Vehicle Purchase	0.00	12,099.00	
111-5-43-7220	Motor Vehicle Purchase	0.00	17,644.75	
111-5-71-7220	Motor Vehicle Purchase	0.00	1,459.91	
111-5-32-7125	LEASE PURCHASE EQUIPMENT	8,850.97	0.00	
111-5-32-7115	INTEREST/L-P EQUIPMENT	296.33	0.00	
111-5-33-7125	LEASE PURCHASE EQUIPMENT	10,805.61	0.00	
111-5-33-7115	INTEREST/L-P EQUIPMENT	361.77	0.00	
111-5-43-7125	LEASE PURCHASE EQUIPMENT	18,828.60	0.00	
111-5-43-7115	INTEREST/L-P EQUIPMENT	630.38	0.00	
112-1-00-1350	Amts to be Provided for Capita	151,889.91	0.00	
112-2-00-2137	Lease Financing Liability	0.00	9,645.31	
112-2-00-2138	Long Term Lease Financing Liab	0.00	142,244.60	
<b>Total</b>		<u><b>192,352.87</b></u>	<u><b>192,352.87</b></u>	<u><b>0.00</b></u>

<b>GRAND TOTAL</b>		<u><b>6,777,891.50</b></u>	<u><b>6,777,891.50</b></u>	<u><b>(729,601.44)</b></u>
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**CITY OF BRECKENRIDGE, TEXAS**  
**ANNUAL FINANCIAL REPORT**  
**FOR THE YEAR ENDED SEPTEMBER 30, 2025**

**CITY OF BRECKENRIDGE, TEXAS**  
 Annual Financial Report  
 For the year ended September 30, 2025

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**CITY OF BRECKENRIDGE, TEXAS**  
Annual Financial Report  
For the year ended September 30, 2025

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## **FINANCIAL SECTION**



## INDEPENDENT AUDITOR'S REPORT

Members of the City Commission  
City of Breckenridge, Texas

### Report on the Financial Statements

#### Opinions

We have audited the accompanying financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component unit, each major fund and the aggregate remaining fund information of the City of Breckenridge, Texas (the "City"), as of and for the year ended September 30, 2025, and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material aspects, the respective financial position of the governmental activities, business-type activities, each major fund, and the aggregate remaining fund information of the City, as of September 30, 2025, and the respective changes in financial position and cash flows, where applicable, thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

#### Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the City of Breckenridge, Texas and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

#### Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the City's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

#### Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatements, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not

a guarantee that an audit conducted in accordance with generally accepted auditing standards and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgement made by a reasonable user based on the financial statements.

In performing an audit in accordance with generally accepted auditing standards and *Government Auditing Standards*, we:

- Exercise professional judgement and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City’s internal control. Accordingly, no such opinion expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgement, there are conditions or events, considering the aggregate, that raise substantial doubt about the City’s ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

**Required Supplementary Information**

Accounting principles generally accepted in the United States of America require that the management’s discussion and analysis on pages 4-15, budgetary comparison – general fund, schedule of changes in net pension liability and related ratios, schedule of contributions, and schedule of changes in total OPEB liability and related ratios on pages 52 - 58 be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management’s responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or

provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

**Supplementary Information**

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City’s basic financial statements. The accompanying combining fund financial statements are presented for purposes of additional analysis and are not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. This information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the combining fund financial statements are fairly stated, in all material respects, in relation to the basic financial statements as a whole.

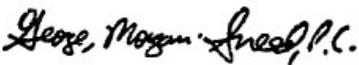
**Other Information**

Management is responsible for the other information included in the annual report. The other information comprised the other supplementary information listed in the table of contents but does not include the basic financial statements and our auditor’s report thereon. Our opinions on the basic financial statements do not cover the other information, and we do not express an opinion or any form of assurance thereon.

In connection with our audit of the basic financial statements, our responsibility is to read the other information and consider whether a material inconsistency exists between the other information and the basic financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report.

**Other Reporting Required by *Government Auditing Standards***

In accordance with *Government Auditing Standards*, we have also issued our report dated January 27, 2026 on our consideration of the City’s internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the City’s internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City’s internal control over financial reporting and compliance.

  
George, Morgan & Sneed, P.C.  
Weatherford, Texas  
January 27, 2026

**MANAGEMENT’S DISCUSSION AND ANALYSIS**

As management of The City of Breckenridge, Texas, we offer readers of The City of Breckenridge’s financial statements this narrative overview and analysis of the financial activities of The City of Breckenridge for the fiscal year ended September 30, 2025.

**FINANCIAL HIGHLIGHTS**

- The assets and deferred outflows of resources of the City of Breckenridge exceeded its liabilities and deferred inflows of resources at the close of the most recent fiscal year by \$29,639,357 (*net position*) compared to net position of \$28,286,568 for the prior year. Unrestricted net position which may be used to meet the City’s ongoing obligations to citizens and creditors was \$6,447,219 at year end.
- The City’s total net position increased by \$1,711,067. The City’s operations increased the governmental activities net position by \$1,332,124 and increased the business-type activities net position by \$378,943.
- As of the close of the current fiscal year, the City of Breckenridge’s governmental funds reported combined ending fund balances of \$8,739,143. This compares to an ending fund balance of \$11,125,569 in the prior year.
- At the end of the current fiscal year, unassigned fund balance for the general fund was \$2,222,019, or 45% of total general fund expenditures. This compares to an unassigned fund balance of \$1,938,658 in the prior year.

**OVERVIEW OF THE FINANCIAL STATEMENTS**

The City’s annual financial report consists of three components 1) management’s discussion and analysis, 2) the basic financial statements (government-wide financial statements, fund financial statements and notes to the financial statements) and 3) supplementary information.

**Government-wide financial statements.**

The government-wide financial statements report information about the City as a whole using accounting methods similar to those used by private-sector companies. The statement of net position includes all of the government’s assets and liabilities. All of the current year’s revenues and expenses are accounted for in the statement of activities regardless of when cash is received or paid.

The two government-wide statements report the City’s net position and how they have changed. Net position – the difference between the City’s assets, deferred outflows of resources, liabilities, and deferred inflows of resources – is one way to measure the City’s financial health or position.

- Over time, increases or decreases in the City’s net position is an indicator of whether its financial health is improving or deteriorating, respectively.
- To assess the overall health of the City, one needs to consider additional nonfinancial factors such as changes in the City’s tax base.

The government-wide financial statements distinguish functions of the City that are principally supported by taxes and intergovernmental revenues (governmental activities) from other functions that are intended to recover all or a significant portion of their costs through user fees and charges (business-type activities). All of the City’s services are included here, such as general government, public works and safety, and community services in the governmental activities and water, wastewater, and sanitation in the business-type or proprietary activities.

The government-wide financial statements include not only the City itself (known as the primary government), but also a legally separate component unit: Breckenridge Economic Development Corporation (“BEDC”) for which the City is financially accountable. Financial information for this component unit is reported separately from the financial information presented for the primary government itself.

The government-wide financial statements can be found on Exhibits A-1 and B-1 of this report.

**Fund financial statements.**

The fund financial statements provide more detailed information about the City’s most significant funds-not the City as a whole. Funds are used by the City to keep track of specific sources of funding and spending for particular purposes.

- Some funds are required by State law and by bond covenants.
- The City Commission establishes other funds to control and manage money for particular purposes or to show that it is properly using certain taxes and grants.

All of the funds of the City can be divided into two categories: governmental funds and proprietary funds.

**Governmental funds.** Most of the City’s basic services are included in governmental funds, which focus on (1) short-term inflows and outflows of spendable resources and (2) the balances left at year-end that are available for spending. Consequently, the governmental fund statements provide a detailed short-term view that helps you determine whether there are more or fewer financial resources that can be spent in the near future to finance the City’s programs. Because this information does not encompass the additional long-term focus of the government-wide statements, we provide a reconciliation that explains the relationship (or differences) between them.

Information is presented separately in the governmental fund balance sheet and in the governmental fund statement of revenues, expenditures, and changes in fund balances for the general fund, debt service fund and general capital projects fund, which are considered major funds. Data from the other governmental funds are combined into a single, aggregated

presentation. Individual fund data for each of these nonmajor governmental funds is provided in the form of combining statements elsewhere in this report.

The City adopts an annual appropriated budget for all funds. A budgetary comparison schedule has been provided for the general fund to demonstrate compliance with this budget.

The basic governmental fund financial statements can be found on Exhibits C-1 through C-4 of this report.

**Proprietary funds.** Services for which the City charges customers a fee are generally reported in proprietary funds. Proprietary funds, like the government-wide statements, provide both long-term and short-term financial information. The City maintains one type of proprietary funds. The City uses enterprise funds to account for its water, wastewater, sanitation services, and trade day events. The basic proprietary fund financial statements can be found on Exhibits D-1 through D-3 of this report.

**Notes to the financial statements** provide additional information that is necessary for a complete understanding of the data provided in the government-wide and fund financial statements.

**Supplementary information** further explains and supports the information in the financial statements.

**Government-wide Financial Analysis**

As noted earlier, net position may serve over time as a useful indicator of a government’s financial position. In the case of the City, assets exceeded liabilities by \$29,630,357 as of September 30, 2025.

The largest portion of the City’s net position (73%) reflects its investment in capital assets (e.g. land, buildings and improvements, vehicles and equipment, infrastructure and water and wastewater systems); less any related debt used to acquire those assets that is still outstanding. The City uses these capital assets to provide services to citizens; consequently, these assets are not available for future spending. Although the City’s investment in its capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since capital assets themselves cannot be used to liquidate these liabilities.

An additional portion of the City’s net position (6%) represents resources that are subject to external restrictions on how they may be used. Unrestricted net position that may be used to meet the government’s ongoing obligations to citizens and creditors was \$6,447,219 at the end of the year.

At the end of the current fiscal year, the City is able to report positive balances in all three categories of net position for its governmental and business-type activities and its component unit.

Below is a summary of the City’s Statement of Net Position.

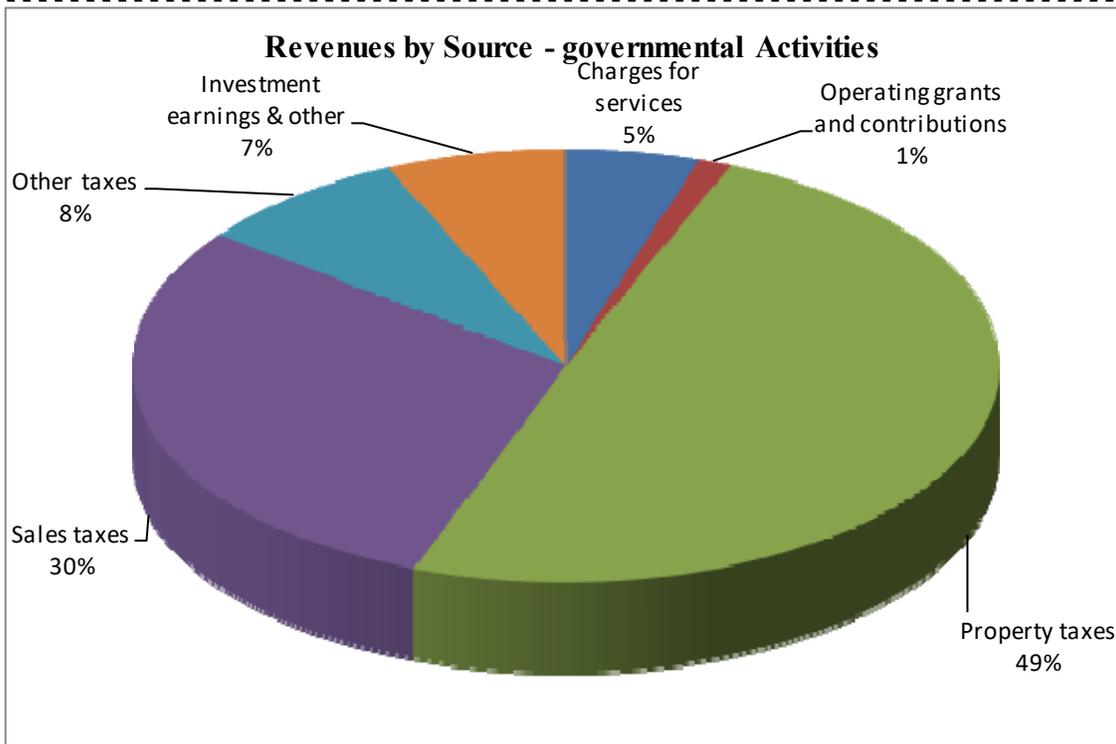
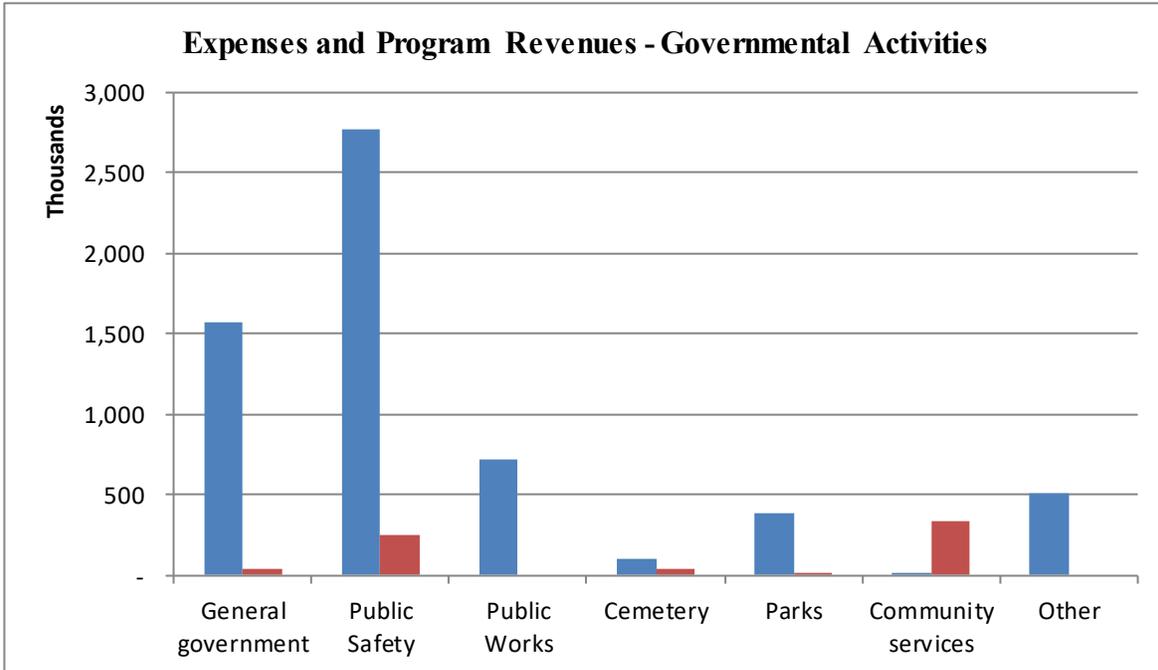
**Condensed Statement of Net Position**

	<b>Governmental Activities</b>		<b>Business-type Activities</b>		<b>Total</b>	
	<u>2025</u>	<u>2024</u>	<u>2025</u>	<u>2024</u>	<u>2025</u>	<u>2024</u>
Current and other assets	\$ 9,209,341	\$ 11,509,695	\$ 12,619,428	\$ 12,132,870	\$ 21,828,769	\$ 23,642,565
Capital assets	12,924,213	9,676,678	19,365,852	19,980,362	32,290,065	29,657,040
Total Assets	<u>22,133,554</u>	<u>21,186,373</u>	<u>31,985,280</u>	<u>32,113,232</u>	<u>54,118,834</u>	<u>53,299,605</u>
Deferred outflows of resources	304,072	490,625	99,750	159,408	403,822	650,033
Current liabilities	173,376	121,696	2,488,967	2,617,372	2,662,343	2,739,068
Long-term liabilities	12,794,516	13,184,261	9,264,802	9,618,501	22,059,318	22,802,762
Total liabilities	<u>12,967,892</u>	<u>13,305,957</u>	<u>11,753,769</u>	<u>12,235,873</u>	<u>24,721,661</u>	<u>25,541,830</u>
Deferred inflows of resources	121,342	92,023	40,297	29,218	161,639	121,241
Net Position:						
Net investment in capital assets	5,436,290	4,683,767	16,116,145	16,105,584	21,552,435	20,789,351
Restricted	1,639,703	1,231,894	-	-	1,639,703	1,231,894
Unrestricted	2,272,399	2,363,357	4,174,820	3,901,966	6,447,219	6,265,323
Total Net Position	<u>\$ 9,348,392</u>	<u>\$ 8,279,018</u>	<u>\$ 20,290,965</u>	<u>\$ 20,007,550</u>	<u>\$ 29,639,357</u>	<u>\$ 28,286,568</u>

Below is a summary of the City’s Statement of Activities.

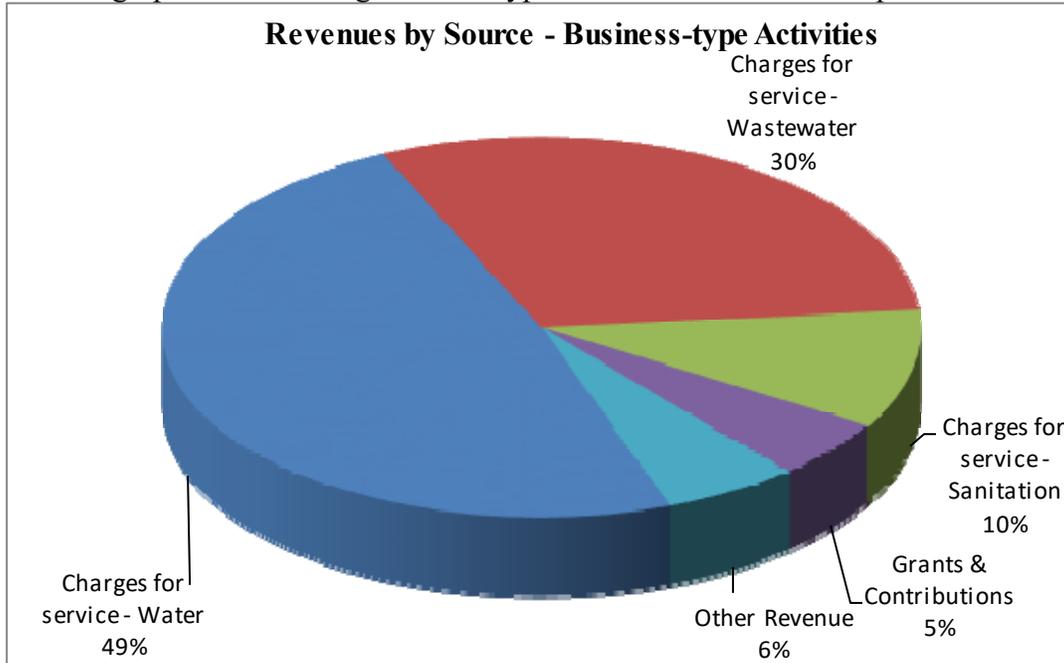
	Statement of Activities					
	Governmental Activities		Business-type Activities		Total	
	2025	2024	2025	2024	2025	2024
Revenues:						
Program revenues:						
Charges for services	\$ 304,455	\$ 212,934	\$ 4,929,410	\$ 4,997,052	\$ 5,233,865	\$ 5,209,986
Operating grants and contributions	74,993	196,124	-	-	74,993	196,124
Capital grants and contributions	290,343	-	282,700	146,350	573,043	146,350
General revenues:						
Property taxes	2,992,857	2,858,721	-	-	2,992,857	2,858,721
Sales and use taxes	1,793,777	1,699,127	-	-	1,793,777	1,699,127
Franchise taxes	440,954	442,287	-	-	440,954	442,287
Hotel motel taxes	44,705	42,369	-	-	44,705	42,369
Investment earnings	306,902	539,254	320,008	378,439	626,910	917,693
Other Revenue	99,777	249,301	-	28,600	99,777	277,901
Total revenues	<u>6,348,763</u>	<u>6,240,117</u>	<u>5,532,118</u>	<u>5,550,441</u>	<u>11,880,881</u>	<u>11,790,558</u>
Expenses						
General government	1,569,510	1,420,492	-	-	1,569,510	1,420,492
Public Safety	2,770,986	2,530,198	-	-	2,770,986	2,530,198
Public Works	721,516	628,804	-	-	721,516	628,804
Health and sanitation	-	-	512,955	528,889	512,955	528,889
Cemetery	100,996	121,786	-	-	100,996	121,786
Parks	391,944	382,730	-	-	391,944	382,730
Community services	14,018	15,486	-	-	14,018	15,486
Tourism	36,320	46,825	-	-	36,320	46,825
Interest on long-term	471,810	450,905	-	-	471,810	450,905
Bond issuance costs	-	-	-	-	-	-
Water and wastewater	-	-	3,574,733	3,429,638	3,574,733	3,429,638
Trade Days	-	-	5,026	5,026	5,026	5,026
Total expenses	<u>6,077,100</u>	<u>5,597,226</u>	<u>4,092,714</u>	<u>3,963,553</u>	<u>10,169,814</u>	<u>9,560,779</u>
Increase (decrease) in net position						
before transfers	271,663	642,891	1,439,404	1,586,888	1,711,067	2,229,779
Transfers	1,060,461	793,046	(1,060,461)	(793,046)	-	-
Increase (decrease) in net position	1,332,124	1,435,937	378,943	793,842	1,711,067	2,229,779
Net Position October 1	8,279,018	6,843,082	20,007,549	19,213,707	28,286,567	26,056,789
Prior Period Adjustment	(262,750)	-	(95,527)	-	(358,277)	-
Net Position September 30	<u>\$ 9,348,392</u>	<u>\$ 8,279,019</u>	<u>\$ 20,290,965</u>	<u>\$ 20,007,549</u>	<u>\$ 29,639,357</u>	<u>\$ 28,286,568</u>

**Governmental Activities.** Governmental activities increased the City’s net position by \$1,332,124 in the current year. Total governmental activities revenues increased by \$108,645. Property taxes increased \$134,136 due to a \$16 million increase in property values and decrease of \$0.01 of tax rate. Total governmental activities expenses increased \$479,873 (9%). The largest increase was salaries and benefits in public safety due to being closer to full staff. Below are two graphs summarizing governmental revenue and expense:

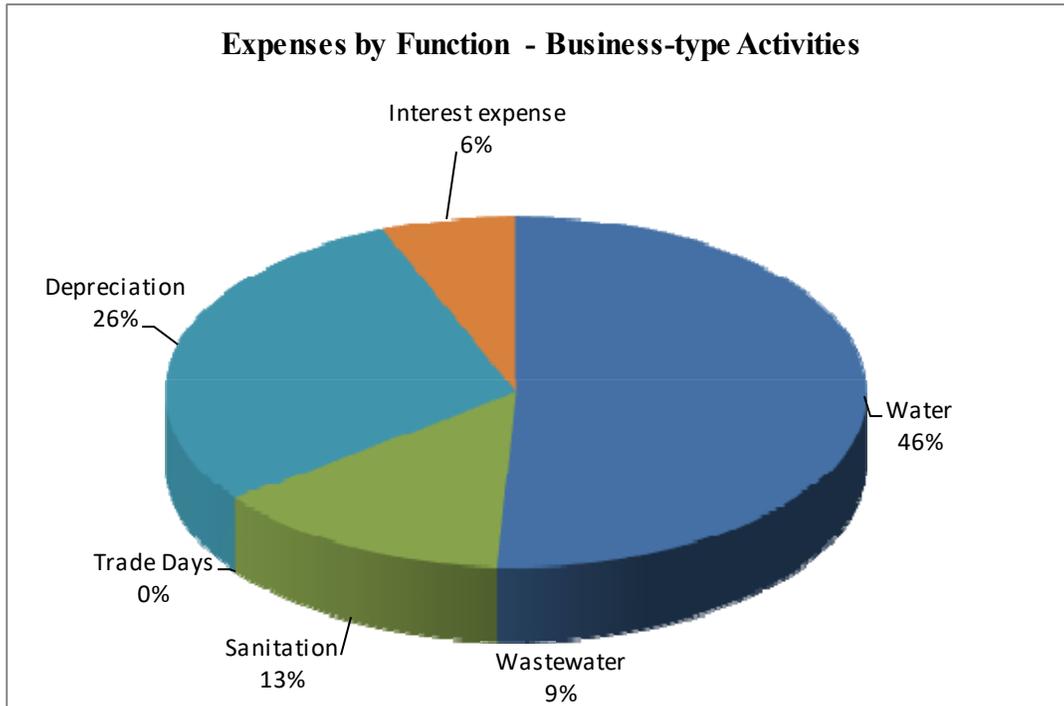


**Business-type activities.** Business-type activities increased the City’s net position by \$378,943. The business-type activities total revenues decreased \$18,323 and total expenses increased \$129,161. Charges for service decreased \$67,692 primarily because less gallons of water were sold. Capital grants and contributions increased \$136,356. The largest increase in expenses was depreciation expense.

Below are two graphs summarizing business-type activities revenue and expense:



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## Financial Analysis of the Government's Funds

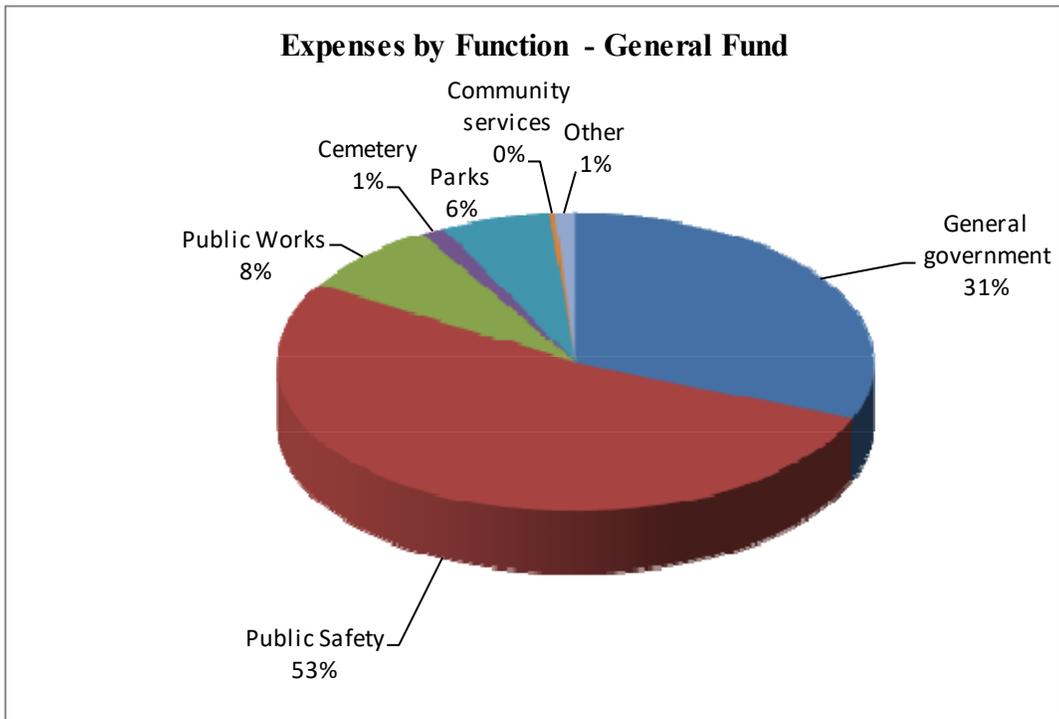
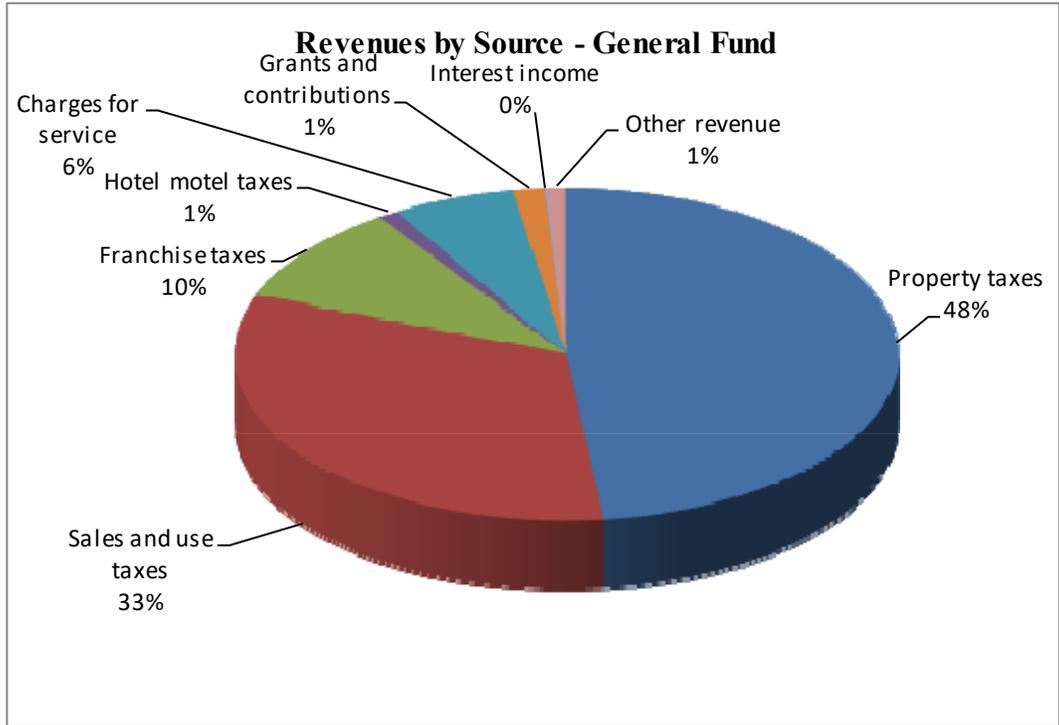
As noted earlier, the City uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

**Governmental funds.** The focus of the City's governmental funds is to provide information on near-term inflows, outflows, and balances of spendable resources. Such information is useful in assessing the City's financing requirements. In particular, unassigned fund balance may serve as a useful measure of a government's net resources available for spending at the end of the fiscal year.

At year end, the City's governmental funds reported combined ending fund balances of \$8,739,143. \$2,222,019 (25%) constitutes unassigned fund balance, which is available for spending at the government's discretion. The remainder of fund balance is either restricted, committed or assigned. The general fund is the chief operating fund of the City. At the end of the current fiscal year, unassigned fund balance of the general fund was \$2,222,019. Below is a comparison of the general fund's net change in fund balance for 2025 and 2024.

	2025	2024	Increase (Decrease)	Percent Increase (Decrease)
Revenues:				
Taxes:				
Property taxes	\$ 2,208,344	\$ 2,171,466	\$ 36,878	1.70%
Sales and use tax	1,495,878	1,416,918	78,960	5.57%
Franchise	440,954	442,287	(1,333)	-0.30%
Hotel motel taxes	44,705	42,369	2,336	5.51%
Charges for service	274,931	212,934	61,997	29.12%
Grants and contributions	70,599	73,215	(2,616)	-3.57%
Interest income	5,873	5,069	804	15.86%
Other revenue	40,525	44,716	(4,191)	-9.37%
Total revenues	<u>4,581,809</u>	<u>4,408,974</u>	<u>172,835</u>	<u>3.92%</u>
Expenditures:				
Current				
General government	1,523,763	1,340,034	183,729	13.71%
Public Safety	2,573,914	2,366,507	207,407	8.76%
Public Works	385,258	393,894	(8,636)	-2.19%
Cemetery	63,454	78,254	(14,800)	-18.91%
Parks	293,061	292,989	72	0.02%
Community services	14,018	14,594	(576)	-3.95%
Tourism	36,320	46,825	(10,505)	-22.43%
Debt service:				
Principal	14,099	13,670	429	3.14%
Interest and fiscal charges	537	967	(430)	-44.47%
Total expenditures	<u>4,904,424</u>	<u>4,547,734</u>	<u>356,690</u>	<u>7.84%</u>
Other financing sources (uses):				
Insurance recoveries	3,796	42,012	(38,216)	-90.96%
Proceeds Sale of Assets	4,260	75,042	(70,782)	100.00%
Transfers in	935,000	595,000	340,000	57.14%
Transfers out	<u>(337,034)</u>	<u>(181,034)</u>	<u>(156,000)</u>	<u>-100.00%</u>
Net change in fund balances	<u>\$ 283,407</u>	<u>\$ 392,260</u>	<u>\$ (38,071)</u>	<u>\$ -9.71%</u>

Below are two graphs summarizing general fund revenue and expenditures.



**Proprietary funds.** The City’s proprietary funds provide the same type of information found in the government-wide financial statements, but in more detail.

Unrestricted net position of the Water Fund, Wastewater Fund, Sanitation Fund, and Trade Days Fund at the end of the year amounted to \$4,174,820. The total change in net position was \$378,943. Other factors concerning the finances of this fund have already been addressed in the discussion of the City’s business-type activities.

**General Fund Budgetary Highlights**

During the year, the City amended its budget. General fund budgeted revenues increased \$146,933. Actual revenues were \$28,137 more than budgeted. Budget amendments increased expenditures \$94,913. Actual expenditures of the general fund were \$250,916 less than budgeted.

**Capital Assets**

The City’s investment in capital assets for its governmental and business type activities as of September 30, 2025, amounts to \$32,290,063 (net of accumulated depreciation). Major capital asset events during the current fiscal year included the following:

Governmental Activities:

- \$3,251,950 for street improvements
- \$20,412 for facilities improvements
- \$328,948 for downtown revitalization

Business-type activities:

- \$152,000 and \$130,700 engineering for wastewater and water projects, respectively

**The City of Breckenridge’s Capital Assets  
(Net of Depreciation)**

	Governmental Activities		Business-type Activities		Total	
	2025	2024	2025	2024	2025	2024
Land	\$ 194,585	\$ 194,785	\$ 193,297	\$ 193,297	\$ 387,882	\$ 388,082
Construction in progress	4,074,766	1,199,455	546,500	263,800	4,621,266	1,463,255
Land Improvements	-	-	27,812	28,735	27,812	28,735
Buildings and improvements	805,745	466,259	266,601	292,268	1,072,346	758,527
Water and sewer systems	-	-	17,647,096	18,324,852	17,647,096	18,324,852
Infrastructure	6,824,106	6,602,242	-	-	6,824,106	6,602,242
Vehicles and equipment	355,746	460,413	552,226	702,941	907,972	1,163,354
Intangible right-to-use equipment	669,265	753,720	132,320	174,470	801,585	928,190
<b>Total</b>	<b>\$ 12,924,213</b>	<b>\$ 9,676,874</b>	<b>\$ 19,365,852</b>	<b>\$ 19,980,363</b>	<b>\$ 32,290,065</b>	<b>\$ 29,657,237</b>

Additional information on the City’s capital assets can be found in the notes to the financial statements.

**Long-Term Debt**

**City of Breckenridge’s Outstanding Debt**

	Governmental Activities		Business-type Activities		Total	
	2025	2024	2025	2024	2025	2024
Financed Purchases	\$ -	\$ 61,460	\$ 381,196	\$ 451,211	\$ 381,196	\$ 512,671
Lease Financing Payable	699,838	763,956	140,928	179,282	840,766	943,238
Certificates of Obligation	11,001,000	11,339,000	8,494,000	8,793,000	19,495,000	20,132,000
<b>Total</b>	<b>\$ 11,700,838</b>	<b>\$ 12,164,416</b>	<b>\$ 9,016,124</b>	<b>\$ 9,423,493</b>	<b>\$ 20,716,962</b>	<b>\$ 21,587,909</b>

No direct funded debt limitation is imposed on the City under current state law or the City’s Home Rule Charter. More detailed information about the City’s debt is presented in the notes to the Financial Statements.

**Economic factors and the Next Year’s Budgets and Rates**

The City’s elected and appointed officials considered many factors when setting the fiscal year 2026 budget, tax rate, and fees that will be charged for the governmental and business-type activities. The major factor affecting all decisions is the changing economy within the framework of the national economic recovery. Along with the rest of the nation, Breckenridge only saw a minimal increase in sales and hotel occupancy taxes. In addition, the local oil and gas industry continues to struggle and remains very volatile. Based on these two factors, sales tax projections remained flat for the fiscal year 2026 budget.

The City prides itself on a quality school district and “hometown” atmosphere. The Breckenridge Economic Development Corporation (BEDC) works to attract businesses with relocation incentives as well as business retention incentives such as workforce training opportunities in coordination with the school district and Texas State Technical College. The BEDC receives one-fourth of the sales tax collected and remitted to the City to support these growth and development initiatives. The City of Breckenridge considered these factors when adopting the General Fund budget for fiscal year 2026. The budgeted revenues for fiscal year 2026 total \$5,606,124 for the General Fund, which is a \$274,385 or 5.14% increase from the previous fiscal year budget. Ad valorem tax revenue is determined by two factors – the total assessed value established by the Stephens County Appraisal District and the tax rate established by the Breckenridge City Commission. The property tax rate for the budgeted year decreased by 0.01 cents to \$1.02893 per hundred dollars of assessed value for 2025. Certified taxable property value is \$312,124,764. This is a 4.26% increase over the last year’s values, or \$12 million.

**Request for Information**

This financial report is designed to provide our citizens, taxpayers, customers and all investors and creditors with a general overview of the City's finances and to demonstrate the City's accountability for the money it receives. If you have questions about this report or need additional financial information, you may contact the City Offices at 105 North Rose Avenue or by telephone at 254-559-8287.

Readers can find separately issued financial statements for the Breckenridge Economic Development Corporation at the Chamber of Commerce, 100 East Elm Street, Breckenridge, Texas 76424.

## **BASIC FINANCIAL STATEMENTS**

EXHIBIT A-1

CITY OF BRECKENRIDGE, TEXAS  
Statement of Net Position  
September 30, 2025

	Primary Government			Component Unit
	Governmental Activities	Business-type Activities	Total	Breckenridge Economic Development
<b>ASSETS:</b>				
Cash and cash equivalents	\$ 3,449,258	\$ 3,715,845	\$ 7,165,103	\$ 870,201
Investments	5,063,207	-	5,063,207	-
Receivables (Net of allowances for uncollectibles)				
Property taxes	195,915	-	195,915	-
Other taxes	426,664	-	426,664	103,867
Accounts	23,794	516,356	540,150	-
Miscellaneous	50,503	-	50,503	350,482
Internal Balances	-	-	-	-
Supplies inventory	-	182,918	182,918	-
Restricted assets:				
Cash and cash equivalents	-	8,204,309	8,204,309	-
Notes receivable	-	-	-	762,201
Capital assets (net of accumulated depreciation):				
Non-depreciable assets	4,269,351	739,797	5,009,148	29,466
Depreciable assets	8,654,862	18,626,055	27,280,917	65,777
Land held for economic development, at cost				1,918,128
<b>Total Assets</b>	<u>22,133,554</u>	<u>31,985,280</u>	<u>54,118,834</u>	<u>4,100,122</u>
<b>DEFERRED OUTFLOWS OF RESOURCES:</b>				
Deferred outflow related to TMRS pension	292,179	95,800	387,979	-
Deferred outflow related to TMRS OPEB	11,893	3,950	15,843	-
<b>Total Deferred Outflows of Resources</b>	<u>304,072</u>	<u>99,750</u>	<u>403,822</u>	<u>-</u>
<b>LIABILITIES:</b>				
Accounts Payable	97,903	167,707	265,610	-
Accrued Payroll	52,943	17,103	70,046	-
Due to other governments	3,970	-	3,970	-
Unearned Revenue	-	1,993,729	1,993,729	-
Current Liabilities Payable from Restricted Assets:				
Interest payable	18,560	15,897	34,457	-
Customer deposits	-	294,531	294,531	-
Noncurrent liabilities:				
Due within one year	639,507	436,176	1,075,683	-
Due in more than one year	12,155,009	8,828,626	20,983,635	-
<b>Total Liabilities</b>	<u>12,967,892</u>	<u>11,753,768</u>	<u>24,721,661</u>	<u>-</u>
<b>DEFERRED INFLOWS OF RESOURCES:</b>				
Deferred inflow related to TMRS pension	80,950	26,882	107,832	-
Deferred inflow related to TMRS OPEB	40,392	13,415	53,807	-
Deferred inflows - leases	-	-	-	350,482
<b>Total Deferred Inflows of Resources</b>	<u>121,342</u>	<u>40,297</u>	<u>161,639</u>	<u>350,482</u>
<b>NET POSITION:</b>				
Net Investments in Capital Assets	5,436,290	16,116,145	21,552,435	95,243
Restricted Net Position (Expendable)				
Restricted for USDA loan program	-	-	-	450,144
Debt service	336,359	-	336,359	-
Property tax reduction	17,723	-	17,723	-
Public safety	21,876	-	21,876	-
Public works	604,151	-	604,151	-
Cemetery	650,900	-	650,900	-
Parks	8,694	-	8,694	-
Unrestricted Net Position	2,272,399	4,174,820	6,447,219	3,204,253
<b>Total Net Position</b>	<u>\$ 9,348,392</u>	<u>\$ 20,290,965</u>	<u>\$ 29,639,357</u>	<u>\$ 3,749,640</u>

The notes to the financial statements are an integral part of this statement.

CITY OF BRECKENRIDGE, TEXAS  
 Statement of Activities  
 For the Year Ended September 30, 2025

Functions/Programs	Expenses	Program Revenues		
		Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions
<b>Primary Government</b>				
Governmental activities:				
General government	\$ 1,569,510	\$ 41,023	\$ -	\$ -
Public Safety	2,770,986	242,077	8,474	-
Public Works	721,516	-	-	-
Cemetery	100,996	20,155	16,333	-
Parks	391,944	1,200	628	-
Community services	14,018	-	49,558	290,343
Tourism	36,320	-	-	-
Interest on long-term debt	471,810	-	-	-
Total governmental activities	<u>6,077,100</u>	<u>304,455</u>	<u>74,993</u>	<u>290,343</u>
Business-type activities:				
Water and wastewater	3,574,733	4,375,154	-	282,700
Sanitation	512,955	554,256	-	-
Trade Days	5,026	-	-	-
Total business-type activities	<u>4,092,714</u>	<u>4,929,410</u>	<u>-</u>	<u>282,700</u>
Total primary government	<u>\$ 10,169,814</u>	<u>\$ 5,233,865</u>	<u>\$ 74,993</u>	<u>\$ 573,043</u>
<b>Component Unit</b>				
Governmental activities:				
General administration	\$ 188,630	\$ -	\$ -	\$ -
Economic development	687,125	-	-	-
Community development	59,187	-	-	-
Total component unit	<u>\$ 934,942</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

General Revenues:  
 Taxes:  
     Property Taxes, levied for general purposes  
     Property Taxes, levied for debt service  
     Sales and Use Taxes  
     Rental Income  
     Franchise Taxes  
     Hotel Motel Taxes  
     Investment Earnings  
     Other Revenue  
 Transfers  
     Total General Revenues and Transfers

Change in Net Position

Net Position October 1, 2024  
 Prior Period Adjustment  
 Net Position September 30, 2025

The notes to the financial statements are an integral part of this statement.

EXHIBIT B-1

Net (Expense) Revenue and Changes in Net Position

Primary Government			Component Unit
Governmental Activities	Business-type Activities	Total	Breckenridge Economic Development
\$ (1,528,487)	\$ -	\$ (1,528,487)	\$ -
(2,520,435)	-	(2,520,435)	-
(721,516)	-	(721,516)	-
(64,508)	-	(64,508)	-
(390,116)	-	(390,116)	-
325,883	-	325,883	-
(36,320)	-	(36,320)	-
(471,810)	-	(471,810)	-
<u>(5,407,309)</u>	<u>-</u>	<u>(5,407,309)</u>	<u>-</u>
-	1,083,121	1,083,121	-
-	41,301	41,301	-
-	(5,026)	(5,026)	-
<u>-</u>	<u>1,119,396</u>	<u>1,119,396</u>	<u>-</u>
<u>\$ (5,407,309)</u>	<u>\$ 1,119,396</u>	<u>\$ (4,287,913)</u>	<u>\$ -</u>
\$ -	\$ -	\$ -	\$ (188,630)
-	-	-	(687,125)
-	-	-	(59,187)
<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ (934,942)</u>
\$ 2,210,829	\$ -	\$ 2,210,829	\$ -
782,028	-	782,028	-
1,793,777	-	1,793,777	597,117
-	-	-	149,238
440,954	-	440,954	-
44,705	-	44,705	-
306,902	320,008	626,910	68,756
99,777	-	99,777	55,626
1,060,461	(1,060,461)	-	-
<u>6,739,433</u>	<u>(740,453)</u>	<u>5,998,980</u>	<u>870,737</u>
1,332,124	378,943	1,711,067	(64,205)
8,279,018	20,007,549	28,286,567	3,813,845
(262,750)	(95,527)	(358,277)	-
<u>\$ 9,348,392</u>	<u>\$ 20,290,965</u>	<u>\$ 29,639,357</u>	<u>\$ 3,749,640</u>

EXHIBIT C-1

CITY OF BRECKENRIDGE, TEXAS  
 Balance Sheet  
 Governmental Funds  
 September 30, 2025

	General Fund	General Debt Service Fund	General Capital Projects Fund	Other Governmental Funds	Total Governmental Funds
<b>ASSETS:</b>					
Assets:					
Cash and cash equivalents	\$ 2,038,319	\$ 354,919	\$ 194,187	\$ 861,833	\$ 3,449,258
Investments	-	-	4,412,307	650,900	5,063,207
Receivables (Net of allowances)					
Property taxes	143,793	52,122	-	-	195,915
Other taxes	374,730	-	-	51,934	426,664
Accounts	23,794	-	-	-	23,794
Miscellaneous	50,503	-	-	-	50,503
 Total assets	 <u>\$ 2,631,139</u>	 <u>\$ 407,041</u>	 <u>\$ 4,606,494</u>	 <u>\$ 1,564,667</u>	 <u>\$ 9,209,341</u>
<b>LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND FUND BALANCES</b>					
Liabilities:					
Accounts payable	\$ 71,224	\$ -	\$ 26,100	\$ 579	\$ 97,903
Accrued payroll	52,943	-	-	-	52,943
Due to other funds	-	-	-	-	-
Due to other governments	3,970	-	-	-	3,970
 Total liabilities	 <u>128,137</u>	 <u>-</u>	 <u>26,100</u>	 <u>579</u>	 <u>154,816</u>
Deferred inflows of resources:					
Deferred property tax	143,794	52,122	-	-	195,916
Other deferred revenue	119,466	-	-	-	119,466
 Total deferred inflows of resources	 <u>263,260</u>	 <u>52,122</u>	 <u>-</u>	 <u>-</u>	 <u>315,382</u>
Fund Balances:					
Restricted fund balance	17,723	354,919	4,580,394	1,285,621	6,238,657
Committed fund balance	-	-	-	278,467	278,467
Unassigned Fund Balance	2,222,019	-	-	-	2,222,019
 Total fund balances	 <u>2,239,742</u>	 <u>354,919</u>	 <u>4,580,394</u>	 <u>1,564,088</u>	 <u>8,739,143</u>
 Total liabilities, deferred inflows of resources, and fund balances	 <u>\$ 2,631,139</u>	 <u>\$ 407,041</u>	 <u>\$ 4,606,494</u>	 <u>\$ 1,564,667</u>	 <u>\$ 9,209,341</u>

**EXHIBIT C-2**

CITY OF BRECKENRIDGE, TEXAS  
Reconciliation of the Governmental Funds Balance Sheet  
To the Statement of Net Position  
September 30, 2025

Total Fund Balances - Governmental Funds	8,739,143
Capital assets used in governmental activities are not financial resources and therefore are not reported in the governmental funds. The cost of these assets was \$18,570,108 and the accumulated depreciation was \$5,645,895.	12,924,213
Long-term liabilities, including \$274,346 compensated absences payable, \$699,837 lease financing payable and \$11,368,471 certificates of obligation bonds are not due and payable in the current period and, therefore are not reported as liabilities in the fund financial statements.	(12,342,654)
Some liabilities are not due and payable in the current period and are not included in the fund financial statements, but are included in the governmental activities of the statement of net position. Including interest payable results in a decrease to net position.	(18,560)
Property taxes, franchise taxes, and municipal court fines and fees are not available soon enough to pay for the current period's expenditures and therefore are deferred inflows of resources in the fund financial statements.	315,382
Included in the items related to noncurrent liabilities is the recognition of the City's net pension liability required by GASB 68 in the amount of \$305,589 , a Deferred Resource Inflow related to pensions in the amount of \$80,950, and a Deferred Resource Outflow related to pensions in the amount of \$292,179. This results in a decrease in Net Position.	(94,360)
Included in the items related to noncurrent liabilities is the recognition of the City's total OPEB liability required by GASB 75 in the amount of \$146,274, Deferred Resource Inflow related to OPEB in the amount of \$40,392, and a Deferred Resource Outflow related to OPEB in the amount of \$11,893. This results in a decrease in Net Position.	(174,772)
Net Position of Governmental Activities	<hr style="border: 1px solid black;"/> <u><u>9,348,392</u></u>

The notes to the financial statements are an integral part of this statement.

EXHIBIT C-3

CITY OF BRECKENRIDGE, TEXAS  
 Statement of Revenues, Expenditures and Changes in Fund Balances  
 Governmental Funds  
 For the year ended September 30, 2025

	General Fund	General Debt Service Fund	General Capital Projects Fund	Other Governmental Funds	Total Governmental Funds
Revenues:					
Taxes:					
Property taxes	\$ 2,208,344	\$ 781,244	\$ -	\$ -	\$ 2,989,588
Sales and use tax	1,495,878	-	-	297,899	1,793,777
Franchise	440,954	-	-	-	440,954
Hotel motel taxes	44,705	-	-	-	44,705
Charges for service	274,931	-	-	-	274,931
Grants and contributions	70,599	-	290,343	4,394	365,336
Investment earnings	5,873	1,194	258,632	41,203	306,902
Other revenue	40,525	-	-	3,420	43,945
Total revenues	<u>4,581,809</u>	<u>782,438</u>	<u>548,975</u>	<u>346,916</u>	<u>6,260,138</u>
Expenditures:					
Current					
General government	1,523,763	-	-	-	1,523,763
Public Safety	2,573,914	-	-	3,518	2,577,432
Public Works	385,258	-	-	63,794	449,052
Cemetery	63,454	-	-	20,982	84,436
Parks	293,061	-	23,000	1,595	317,656
Community services	14,018	-	-	-	14,018
Tourism	36,320	-	-	-	36,320
Capital Outlay	-	-	3,604,410	180,557	3,784,967
Debt service:					
Principal	14,099	338,000	-	203,705	555,804
Interest and fiscal charges	537	454,061	-	57,036	511,634
Total expenditures	<u>4,904,424</u>	<u>792,061</u>	<u>3,627,410</u>	<u>531,187</u>	<u>9,855,082</u>
Excess (deficiency) of revenue over (under) expenditures	\$ <u>(322,615)</u>	\$ <u>(9,623)</u>	\$ <u>(3,078,435)</u>	\$ <u>(184,271)</u>	\$ <u>(3,594,944)</u>
Other financing sources (uses):					
Lease Financing	-	-	-	92,412	92,412
Insurance recoveries	3,796	-	-	1,600	5,396
Proceeds Sale of Assets	4,260	-	-	45,989	50,249
Transfers in	935,000	159,686	75,000	227,809	1,397,495
Transfers out	<u>(337,034)</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(337,034)</u>
Net change in fund balances	283,407	150,063	(3,003,435)	183,539	(2,386,426)
Fund balance, October 1, 2024	<u>1,956,335</u>	<u>204,856</u>	<u>7,583,829</u>	<u>1,380,549</u>	<u>11,125,569</u>
Fund balance, September 30, 2025	<u>\$ 2,239,742</u>	<u>\$ 354,919</u>	<u>\$ 4,580,394</u>	<u>\$ 1,564,088</u>	<u>\$ 8,739,143</u>

The notes to the financial statements are an integral part of this statement.

EXHIBIT C-4

CITY OF BRECKENRIDGE, TEXAS  
Reconciliation of Statement of Revenues,  
Expenditures and Changes in Fund Balances of  
The Governmental Funds to the Statement of Activities  
For the Year Ended September 30, 2025

Total Net Change in Fund Balances - Governmental Funds	(2,386,426)
Current year capital outlays and long-term debt principal payments are expenditures in the fund financial statements, but they should be shown as increases in capital assets and reductions in long-term debt in the government-wide financial statements. The net effect of including \$3,781,124 of capital outlays and \$555,804 of debt principal payments is to increase net position.	4,336,928
Depreciation and amortization is not recognized as an expense in governmental funds since it does not require the use of current financial resources. The net effect of the current year's depreciation and amortization is to decrease net position.	(533,589)
Current year lease financing are other financing sources in the fund financial statements. The increase in long-term debt is a decrease in net position.	(92,226)
Current year compensated absences and amortization premiums of the governmental fund are not due and payable in the current period, therefore are not reported as liabilities in the funds. The changes in these balances decrease net position.	26,631
Current year interest payable of the governmental funds is not due and payable in the current period and, therefore is not reported as a liability in the funds. The increase in interest payable decreases net position.	1,598
Revenues in the government-wide statement of activities that do not provide current financial resources are not reported as revenues in the funds.	32,794
GASB 68 required the City to recognize their net pension liability, deferred resource inflow related to pension, and deferred resource outflow related to pension. The changes in these balances decreased net pension.	(59,588)
GASB 75 requires the City to recognize their OPEB liability and deferred resource outflow related to OPEB. The changes in these balances decreased net pension.	6,002
Change in Net Position of Governmental Activities	1,332,124

The notes to the financial statements are an integral part of this statement.

Exhibit D-1

CITY OF BRECKENRIDGE, TEXAS  
Statement of Net Position  
Proprietary Funds  
September 30, 2025

	Enterprise Funds				Totals
	Water Fund	Wastewater Fund	Sanitation Fund	Nonmajor Fund	
<b>ASSETS:</b>					
Current Assets:					
Cash and cash equivalents	\$ 1,817,664	\$ 1,821,867	\$ 36,687	\$ 39,627	\$ 3,715,845
Receivables (Net of allowances):					
Accounts	308,882	165,598	41,876	-	516,356
Miscellaneous	-	-	-	-	-
Due from other funds	-	-	-	-	-
Supplies inventory	182,918	-	-	-	182,918
Restricted Assets:					
Cash and cash equivalents	3,895,938	4,308,371	-	-	8,204,309
Total current assets	<u>6,205,402</u>	<u>6,295,836</u>	<u>78,563</u>	<u>39,627</u>	<u>12,619,428</u>
Noncurrent Assets:					
Capital assets, at cost:					
Land and land improvements	165,068	22,289	39,000	18,382	244,739
Construction in progress	279,000	267,500	-	-	546,500
Buildings and improvements	993,146	108,363	-	209,322	1,310,831
Water system	21,121,496	-	-	-	21,121,496
Wastewater system	-	10,079,274	-	-	10,079,274
Vehicles and equipment	404,655	866,654	-	-	1,271,309
Intangible Right-to-Use - Leased Equipment	206,674	3,572	-	-	210,246
Less: accumulated depreciation and amortization	<u>(10,634,271)</u>	<u>(4,732,060)</u>	<u>-</u>	<u>(52,214)</u>	<u>(15,418,545)</u>
Capital assets, net	<u>12,535,768</u>	<u>6,615,592</u>	<u>39,000</u>	<u>175,490</u>	<u>19,365,850</u>
Total noncurrent assets	<u>12,535,768</u>	<u>6,615,592</u>	<u>39,000</u>	<u>175,490</u>	<u>19,365,850</u>
Total assets	<u>18,741,170</u>	<u>12,911,428</u>	<u>117,563</u>	<u>215,117</u>	<u>31,985,278</u>
<b>DEFERRED OUTFLOWS OF RESOURCES:</b>					
Deferred outflow related to TMRS pension	82,728	11,207	1,865	-	95,800
Deferred outflow related to TMRS OPEB	3,447	464	39	-	3,950
Total Deferred Outflows of Resources	<u>86,175</u>	<u>11,671</u>	<u>1,904</u>	<u>-</u>	<u>99,750</u>
<b>LIABILITIES:</b>					
Current Liabilities:					
Accounts payable	120,248	12,272	35,187	-	167,707
Accrued payroll	14,362	2,031	710	-	17,103
Unearned revenues	1,033,809	959,920	-	-	1,993,729
Current portion of compensated absences payable	20,617	5,492	517	-	26,626
Current portion of long-term debt	227,874	181,674	-	-	409,548
Interest payable	5,127	10,770	-	-	15,897
Current Liabilities Payable from Restricted Assets:					
Customer deposits payable	294,531	-	-	-	294,531
Total current liabilities	<u>1,716,568</u>	<u>1,172,159</u>	<u>36,414</u>	<u>-</u>	<u>2,925,141</u>
Noncurrent Liabilities:					
Long-term portion of bonds payable	4,636,190	3,552,810	-	-	8,189,000
Long-term portion of compensated absences payable	55,742	14,848	1,397	-	71,987
Long-term portion of financed purchases payable	-	317,415	-	-	317,415
Long-term portion of lease financing payable	100,161	-	-	-	100,161
Net pension liability	88,537	11,926	1,018	-	101,481
Total OPEB liability	42,399	5,704	478	-	48,581
Total noncurrent liabilities	<u>4,923,029</u>	<u>3,902,703</u>	<u>2,893</u>	<u>-</u>	<u>8,828,625</u>
Total liabilities	<u>6,639,597</u>	<u>5,074,862</u>	<u>39,307</u>	<u>-</u>	<u>11,753,766</u>
<b>DEFERRED INFLOWS OF RESOURCES:</b>					
Deferred inflow related to TMRS	23,453	3,159	270	-	26,882
Deferred inflow related to OPEB	11,708	1,575	132	-	13,415
Total Deferred Inflows of Resources	<u>35,161</u>	<u>4,734</u>	<u>402</u>	<u>-</u>	<u>40,297</u>
<b>NET POSITION:</b>					
Net Investment in Capital Assets	9,977,438	5,924,217	39,000	175,490	16,116,145
Unrestricted	2,175,149	1,919,286	40,758	39,627	4,174,820
Total net position	<u>\$ 12,152,587</u>	<u>\$ 7,843,503</u>	<u>\$ 79,758</u>	<u>\$ 215,117</u>	<u>\$ 20,290,965</u>

The notes to the financial statements are an integral part of this statement.

Exhibit D-2

CITY OF BRECKENRIDGE, TEXAS  
 Statement of Revenues, Expenses, and Changes in Fund Net Position  
 Proprietary Funds  
 For the Year Ended September 30, 2025

	Enterprise Funds				Totals
	Water Fund	Wastewater Fund	Sanitation Fund	Nonmajor Fund	
Operating revenues:					
Charges for sales and services	\$ 2,627,311	\$ 1,665,534	\$ 554,256	\$ -	\$ 4,847,101
Miscellaneous	68,935	13,374	-	-	82,309
Total operating revenue	<u>2,696,246</u>	<u>1,678,908</u>	<u>554,256</u>	<u>-</u>	<u>4,929,410</u>
Operating expenses:					
Water and sewer commercial	155,325	48,139	-	-	203,464
Water meters and readers	64,906	-	-	-	64,906
Lake Daniel	9,143	-	-	-	9,143
Water production	867,396	-	-	-	867,396
Water distribution	790,191	-	-	-	790,191
Sewer treatment	-	333,864	-	-	333,864
Solid waste	-	-	512,955	-	512,955
Depreciation and amortization	717,988	357,926	-	5,026	1,080,940
Total operating expenses	<u>2,604,949</u>	<u>739,929</u>	<u>512,955</u>	<u>5,026</u>	<u>3,862,859</u>
Operating income (loss)	<u>91,297</u>	<u>938,979</u>	<u>41,301</u>	<u>(5,026)</u>	<u>1,066,551</u>
Nonoperating revenues (expenses):					
Interest revenue	148,300	171,523	84	101	320,008
Gain on Sale of Assets	-	-	-	-	-
Interest expense and fiscal charges	<u>(138,509)</u>	<u>(91,346)</u>	<u>-</u>	<u>-</u>	<u>(229,855)</u>
Total nonoperating revenues (expenses)	<u>9,791</u>	<u>80,177</u>	<u>84</u>	<u>101</u>	<u>90,153</u>
Income (loss) before contributions and transfers	<u>101,088</u>	<u>1,019,156</u>	<u>41,385</u>	<u>(4,925)</u>	<u>1,156,704</u>
Transfers (to) from other funds and contributions:					
Capital Grants & Contributions	130,700	152,000	-	-	282,700
Transfers in	-	-	-	-	-
Transfers out	<u>(262,447)</u>	<u>(773,014)</u>	<u>(25,000)</u>	<u>-</u>	<u>(1,060,461)</u>
Change in Net Position	<u>(30,659)</u>	<u>398,142</u>	<u>16,385</u>	<u>(4,925)</u>	<u>378,943</u>
Net Position, October 1, 2024	<u>12,259,249</u>	<u>7,464,573</u>	<u>63,685</u>	<u>220,042</u>	<u>20,007,549</u>
Prior Period Adjustment	<u>(76,003)</u>	<u>(19,212)</u>	<u>(312)</u>	<u>-</u>	<u>(95,527)</u>
Net Position, September 30, 2025	<u>\$ 12,152,587</u>	<u>\$ 7,843,503</u>	<u>\$ 79,758</u>	<u>\$ 215,117</u>	<u>\$ 20,290,965</u>

## EXHIBIT D-3

CITY OF BRECKENRIDGE, TEXAS  
Statement of Cash Flows  
Proprietary Fund  
For the Year Ended September 30, 2025

	Enterprise Funds				Totals
	Water Fund	Wastewater Fund	Sanitation Fund	Nonmajor Fund	
Cash flows from operating activities:					
Cash received from customers	\$ 2,702,033	\$ 1,696,514	\$ 553,643	\$ -	\$ 4,952,190
Cash paid to suppliers	(2,323,101)	(481,234)	(509,251)	-	(3,313,586)
Cash paid to employees	591,290	93,187	24,449	-	708,926
Net cash provided (used) by operating activities	<u>970,222</u>	<u>1,308,467</u>	<u>68,841</u>	<u>-</u>	<u>2,347,530</u>
Cash flow from noncapital financing activities:					
Due to/from other funds	76,078	-	-	-	76,078
Transfers in	-	-	-	-	-
Transfers out	(262,447)	(773,014)	(25,000)	-	(1,060,461)
Net cash provided (used) by noncapital financing activities	<u>(186,369)</u>	<u>(773,014)</u>	<u>(25,000)</u>	<u>-</u>	<u>(984,383)</u>
Cash flow from capital and related financing activities:					
Capital expenditures	(314,428)	(152,000)	-	-	(466,428)
Principal payments on long-term debt	(229,997)	(177,372)	-	-	(407,369)
Interest paid on bonds	(138,813)	(92,439)	-	-	(231,252)
Net cash (used) by capital and related financing activities	<u>(683,238)</u>	<u>(421,811)</u>	<u>-</u>	<u>-</u>	<u>(1,105,049)</u>
Cash flow from investing activities:					
Interest received	148,300	171,523	84	101	320,008
Net cash provided by investing activities	<u>148,300</u>	<u>171,523</u>	<u>84</u>	<u>101</u>	<u>320,008</u>
Net increase (decrease) in cash and cash equivalents	248,915	285,165	43,925	101	578,106
Cash and cash equivalents, October 1, 2024	<u>5,464,687</u>	<u>5,845,073</u>	<u>(7,238)</u>	<u>39,526</u>	<u>11,342,048</u>
Cash and cash equivalents, September 30, 2025	<u>\$ 5,713,602</u>	<u>\$ 6,130,238</u>	<u>\$ 36,687</u>	<u>\$ 39,627</u>	<u>\$ 11,920,154</u>
Reconciliation of Operating Income to					
Net Cash Provided (Used) by Operating Activities					
Operating income	\$ 91,297	\$ 938,979	\$ 41,301	\$ (5,026)	\$ 1,066,551
Adjustments to reconcile operating income to					
net cash provided (used) by operating activities:					
Depreciation expense	717,988	357,926	-	5,026	1,080,940
(Increase) decrease in accounts receivable	(1,523)	17,606	(613)	-	15,470
(Increase) decrease in supplies inventory	-	-	-	-	-
Increase (decrease) in accounts payable	111,122	6,494	25,848	-	143,464
Increase (decrease) in accrued payroll	3,727	481	710	-	4,918
Increase (decrease) in compensated absences	356	1,127	1,601	-	3,084
Increase (decrease) in customer meter deposits	7,310	-	-	-	7,310
Increase (decrease) in net pension balances	30,690	(5,661)	(577)	-	24,452
Increase (decrease) in total OPEB balances	9,255	(8,485)	571	-	1,341
Total adjustments	<u>878,925</u>	<u>369,488</u>	<u>27,540</u>	<u>5,026</u>	<u>1,280,979</u>
Net cash provided by operating activities	<u>\$ 970,222</u>	<u>\$ 1,308,467</u>	<u>\$ 68,841</u>	<u>\$ -</u>	<u>\$ 2,347,530</u>

**CITY OF BRECKENRIDGE, TEXAS**  
**Notes to Financial Statements**  
**September 30, 2025**

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

**A. Reporting Entity**

The City operates under a Home Rule/Commission/Manager form of government and provides the following services as authorized by its charter: public safety (police and fire), highway and streets, sanitation, social services, public improvements, planning and zoning, parks and recreation, and general administration services. Other services include water production and distribution and sewer disposal.

The reporting entity consists of the City of Breckenridge, Texas ("City") and its component unit. Component unit are legally separate entities for which the City is financially accountable or other organizations whose nature and significant relationship with the City are such that the exclusion would cause the City's financial statements to be misleading or incomplete. Financial accountability is defined as the appointment of a voting majority of the component unit's board, and either the City's ability to impose its will on the organization or there is potential for the organization to provide a financial benefit to or impose a financial burden on the City.

The financial statements include one discretely presented component unit which has a September 30 year-end. The discretely presented component unit is reported in a separate column in the government-wide financial statements to emphasize that it is legally separate from the City.

*Discretely Presented Component Unit*

The Breckenridge Economic Development Corporation (the "BEDC") was incorporated under the Development Corporation Act of 1979 (the "Act"), with the approval of the City. The purpose of the BEDC is to promote the economic development of the City of Breckenridge through the use of a ½% 4B sales tax approved by the voters of the City. The BEDC receives its authority from the City of Breckenridge. While legally separate from the City, it is reported as part of the reporting entity under the discretely presented method because the City's elected officials are financially accountable for the BEDC. The City has the authority to appoint board members and approve budgets and contracts. The City is the sole beneficiary of the BEDC and will receive the remaining assets and assume the remaining liabilities upon termination. Readers can find separately issued financial statements for the Breckenridge Economic Development Corporation at the Chamber of Commerce, 100 East Elm Street, Breckenridge, Texas 76424.

**B. Government-wide and Fund Financial Statements**

The government-wide financial statements (i.e., the statement of net position and the statement of changes in net position) report information on all of the nonfiduciary activities of the primary government and its component units. For the most part, the effect of interfund activity has been removed from these statements. Governmental activities, which normally are supported by taxes and intergovernmental revenues, are reported separately from business-type activities, which rely to a significant extent on fees and charges for support.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment are offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function or segment. Program revenues include 1) charges to customers or applicants who purchase, use or directly benefit from goods, services or privileges provided by a given function or segment and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as general revenues.

**CITY OF BRECKENRIDGE, TEXAS**  
**Notes to Financial Statements**  
**September 30, 2025**

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)**

Separate financial statements are provided for governmental funds and proprietary funds. Major individual funds and individual enterprise funds are reported as separate columns in the fund financial statements.

**C. Measurement Focus, Basis of Accounting and Basis of Presentation**

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting, as are the proprietary fund financial statements. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Under the modified accrual basis of accounting, revenues are recognized as soon as they are measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. The City considers all revenues available if they are collected within 60 days after year-end. Expenditures generally are recorded when the related fund liability is incurred, however, debt service expenditures and expenditures related to compensated absences and claims and judgments, are recognized when payment is due.

Property taxes, sales taxes, franchise taxes, licenses, charges for service, and interest associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. All other revenue items are considered to be measurable and available only when the government receives payment.

The accounts of the City are organized and operated on the basis of funds. A fund is an independent fiscal and accounting entity with a self-balancing set of accounts. Fund accounting segregates funds according to their intended purpose and is used to aid management in demonstrating compliance with finance-related legal and contractual provisions. The minimum number of funds is maintained consistent with legal and managerial requirements.

The City reports the following major governmental funds:

The *general fund* is the government's primary operating fund. It accounts for all financial resources of the general government, except those required to be accounted for in another fund.

The *general debt service fund* was established to account for payment of principal and interest on long-term general obligation debt and other long-term debts for which a tax has been dedicated.

The *general capital projects fund* is used to account for bonds proceeds issued for capital projects.

The City reports the following major proprietary funds:

The *water fund* is used to account for the operation of the water utility.

The *wastewater fund* is used to account for the operation of the wastewater utility.

The *sanitation fund* is used to account for the operation of residential trash.

**CITY OF BRECKENRIDGE, TEXAS**  
**Notes to Financial Statements**  
**September 30, 2025**

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)**

As a general rule the effect of interfund activity has been eliminated from the government-wide financial statements. Exceptions to this general rule are charges and transfers between the governmental activities and the business-type activities, which cannot be eliminated.

Amounts reported as program revenues include 1) charges for customers or applicants for goods, services, or privileges provided, 2) operating grants and contributions, and 3) capital grants and contributions, including special assessments. Internally dedicated resources are reported as general revenues rather than as program revenues. Likewise, general revenues include all taxes.

Proprietary funds, distinguish operating revenues and expenses from nonoperating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the water fund and wastewater fund are charges to customers for sales and services. Operating expenses for the enterprise funds include the cost of sales and services, administrative expenses, and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

**D. Financial Statement Amounts**

**1. Deposits and Investments**

The government's cash and cash equivalents are considered to be cash on hand, demand deposits and short term investments that are highly liquid with maturity within three months or less when purchased.

**2. Receivables and Payables**

Transactions between funds that are representative of lending/borrowing arrangements outstanding at the end of the fiscal year are referred to as "due to/from other funds". Any residual balances outstanding between the governmental activities and the business-type activities are reported in the government-wide financial statements as "internal balances."

All trade and property tax receivables are shown net of an allowance for uncollectibles. The property tax receivable allowance for the general fund of \$143,793 and the general debt service fund of \$52,122 is equal to 50% of outstanding delinquent property taxes at September 30, 2025. The court fines and fees receivable is reported net of an allowance of \$50,121 which is 50% of the outstanding receivable. Trade accounts receivable in the enterprise funds are reported net of an allowance of \$157,460 which is the accounts aged over 60 days. The Breckenridge Economic Development Corporation notes receivable are reported net of an allowance of \$32,854 which is based on historical experience and collectability.

**3. Property Tax**

Ad valorem property taxes are levied each October 1 from valuations assessed as of the prior January 1 for all real and business personal property. Taxes are due on receipt of the tax bill and are delinquent if not paid before the following February 1. On January 1 of each year, a tax lien attaches to property to secure the payment of all taxes, penalties and interest.

**CITY OF BRECKENRIDGE, TEXAS**  
**Notes to Financial Statements**  
**September 30, 2025**

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)**

**4. Inventory**

The City’s water fund inventory is recorded under the purchase method. Under the purchase method the inventory is first recorded as an expense when purchased and then adjusted at the end of the year to reflect the value of inventory at that date. Inventories held by the water fund are priced at the lower of cost or market on the first-in, first-out method.

**5. Capital Assets**

Capital assets, which include property, plant and equipment, and infrastructure assets, are reported in the applicable governmental activities or business-type activities columns in the government-wide financial statements and in the proprietary funds financial statements. The City defines capital assets as assets with an initial, individual cost of more than \$5,000 and an estimated useful life in excess of two years. Such assets are recorded at cost or estimated historical cost if purchased or constructed. Donated fixed assets are recorded at their estimated fair value at the date of donation.

The cost of normal maintenance and repairs that do not add to the value of the asset or materially extend assets lives are not capitalized.

Property, plant and equipment of the primary government and proprietary funds are depreciated using the straight-line method over the following estimated useful lives.

Infrastructure	30 - 50 years
Building	50 years
Building improvements	20 years
Vehicles	2 - 15 years
Office equipment	3 - 15 years
Computer equipment	3 - 5 years

The City has reported infrastructure capital assets acquired prior to the implementation of GASB Statement No. 34 at estimated historical cost.

**6. Compensated Absences**

Regular full-time employees earn vacation, sick leave and compensatory time in accordance with City guidelines. Vacation, sick pay and compensatory time benefits are accrued when incurred in the government-wide and proprietary fund financial statements. A liability for these amounts is reported in the governmental funds only if they have matured, for example, as a result of employee resignations and retirements.

In accordance with GASB Statement No. 101, *Compensated Absences*, the City recognizes a liability for compensated absences when the leave is earned, rather than when it is taken or paid. Vacation leave that is payable upon separation are measured at 100% of the amount earned using the employee’s pay rate in effect at year-end. Sick leave is recognized to the extent it is expected to result in a payout, based on the City’s eligibility rules and historical payout experience. Employees are permitted to use compensatory time within a reasonable period after making a request.

**CITY OF BRECKENRIDGE, TEXAS**  
**Notes to Financial Statements**  
**September 30, 2025**

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)**

**7. Long-term Obligations**

In the government-wide financial statements, and proprietary fund types in the fund financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities, business-type activities, or proprietary fund type statements of net position. Bond premiums and discounts are deferred and amortized over the life of the bonds using the effective interest method. Bond issuance costs are expensed when they are incurred and are no longer amortized over the term of the related debt. Bonds payable are reported net of the applicable bond premium or discount.

In the fund financial statements, governmental fund types recognize bond premiums and discounts during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts on debt issuances are reported as other financing uses. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures.

**8. Use of Estimates**

The preparation of financial statements in conformity with Generally Accepted Accounting Principles requires management to make estimates and assumptions that affect the reported amount of assets and liabilities and disclosure of contingent liabilities at the date of the financial statements and report amounts of revenues and expenses during the period. Actual amounts could differ from those estimates.

**9. Fund Balances – Governmental Funds**

In accordance with GASB No. 54, the City classified fund balances in the governmental funds as follows:

Nonspendable – includes amounts that cannot be spent because they are either not spendable in form or are legally or contractually required to be maintained intact.

Restricted – includes amounts restricted by external sources (creditors, laws of other governments, etc.) or by constitutional provision or enabling legislation.

Committed – includes amounts that can only be used for specific purposes. Committed fund balance is reported pursuant to formal action by City Commission, the City's highest level of decision making authority. Commitments may be modified or rescinded only through formal action of City Commission.

Assigned – includes amounts that the City intends to use for a specific purpose, but do not meet the definition of restricted or committed fund balance. Under the City's adopted policy, amounts may be assigned by the City Manager and the City Secretary.

Unassigned – All amounts not included in other spendable classifications.

When expenditure is incurred for purposes for which both restricted and unrestricted fund balance is available, the City considers restricted funds to have been spent first. When expenditure is incurred for which committed, assigned, or unassigned fund balances are available, the City considers amounts to have been first spent out of committed funds, then assigned, and finally unassigned as needed.

**CITY OF BRECKENRIDGE, TEXAS**  
**Notes to Financial Statements**  
**September 30, 2025**

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)**

The following table is a summary of the fund balance of the governmental funds.

	General General Fund	General Debt Service Fund	General Capital Projects Fund	Other Governmental Funds	Total Governmental Funds
Restricted:					
Debt service	\$ -	\$ 354,919	\$ -	\$ -	\$ 354,919
Property tax reduction	17,723	-	-	-	17,723
Public Safety	-	-	-	21,876	21,876
Public Works	-	-	-	604,151	604,151
Cemetery	-	-	-	650,900	650,900
Parks	-	-	-	8,694	8,694
Capital projects	-	-	4,580,394	-	4,580,394
Committed:					
Equipment replacement	-	-	-	278,467	278,467
Unassigned	2,222,019	-	-	-	2,222,019
	<u>\$2,239,742</u>	<u>\$ 354,919</u>	<u>\$ 4,580,394</u>	<u>\$ 1,564,088</u>	<u>\$ 8,739,143</u>

**10. Use of Restricted/Unrestricted Net Position**

When an expense is incurred for purposes for which both restricted and unrestricted net position is available, the City’s policy is to apply restricted net position first.

**11. Pensions**

For purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about the Fiduciary Net Position of the Texas Municipal Retirement System (TMRS) and additions to/deductions from TMRS’s Fiduciary Net Position have been determined on the same basis as they are reported by TMRS. For this purpose, plan contributions are recognized in the period that compensation is reported for the employee, which is when contributions are legally due. Benefit payments and refunds are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

**NOTE 2: DEPOSITS AND INVESTMENTS**

The City of Breckenridge investment policies and types of investments are governed by the State Public Funds Investment Act (the “Act”). The Act authorizes the City to invest, with certain restrictions, in obligations of the U.S. Treasury or the State of Texas, certain U.S. agencies, certificates of deposit, money market savings accounts, certain municipal securities, repurchase agreements, banker’s acceptances, mutual funds and investment pools. The City’s management believes that it complied with the requirements of the Act and the City’s investment policies.

**CITY OF BRECKENRIDGE, TEXAS**  
**Notes to Financial Statements**  
**September 30, 2025**

**NOTE 2: DEPOSITS AND INVESTMENTS (continued)**

Custodial Credit Risk – Deposits

Custodial credit risk is the risk that in the event of a bank failure, the government’s deposits may not be returned to it. The City’s funds are required to be deposited and invested under the terms of a depository contract. The City’s deposits are required to be collateralized with securities held by the pledging institution’s trust department or agent in the City’s name. The pledge of approved securities is waived only to the extent of the depository bank’s dollar amount of Federal Deposit Insurance Corporation (“FDIC”) Insurance. The BEDC’s deposits are secured by a pledge of securities and FDIC Insurance in BEDC’s name. At September 30, 2025, the City’s and BEDC’s deposits were fully collateralized and insured.

Credit Risk– Investments

The City controls credit risk by limiting its investments to those instruments allowed by the State Public Funds Investment Act described above.

Interest Rate Risk – Investments

As a means of limiting its exposure to interest rate risk, the City diversifies its investments by security type and institution, and limits holdings in any one type of investment with any one issuer. The City coordinates its investment maturities to closely match cash flow needs and restricts the maximum investment term to less than five years from the purchase date.

The City’s fiduciary funds (Cemetery Perpetual Care Trust Fund) are invested in accordance with the provision of a trust agreement. These funds are invested by the trustee according to Section 113.056 of the Texas Trust Code. The City has the following types of investments:

Investment	Credit Rating	Cost	Fair Value	Percentage of Total Investments	Investment Maturities (in Years)			
					Less than 1 year	1-5 Years	6-10 Years	Over 10 Years
Cash	N/A	8,340	8,340	0.16%	8,340	-	-	-
Equity Mutual Funds	N/A	127,235	190,769	3.77%	190,769	-	-	-
Bond Mutual Funds	N/A	213,322	203,264	4.01%	203,264	-	-	-
Corporate Bonds	Aaa - Baa2	119,752	116,524	2.30%	25,726	65,248	12,702	12,848
U.S. Treasuries	N/A	59,814	52,014	1.03%	-	12,935	9,917	29,162
U.S. Government Agencies	N/A	83,706	79,989	1.58%	2	6,949	8,926	64,112
Logic Investment Pool	AAAm	4,412,307	4,412,307	87.14%	4,412,307	-	-	-
		<u>\$ 5,024,476</u>	<u>\$ 5,063,207</u>		<u>\$4,840,408</u>	<u>\$ 85,132</u>	<u>\$ 31,545</u>	<u>\$ 106,122</u>

Investment Valuation

All securities are stated at fair value as reported by the City’s portfolio manager. For securities traded on a major exchange, market values are priced as of the statement date, September 30, 2025, as provided by various pricing services (Level 1 inputs). The method and frequency of pricing assets not traded on major exchanges varies depending on the type of assets (Level 2 inputs); therefore, the market value may not be a current value as of the statement date.

**CITY OF BRECKENRIDGE, TEXAS**  
**Notes to Financial Statements**  
**September 30, 2025**

**NOTE 3: RESTRICTED ASSETS**

The following cash and investments in the government-wide statement of net position are restricted for the following purposes:

	<u>Cash</u>
Business-type Activities	
Customer water deposits	\$ 294,531
Construction - water fund	3,601,407
Construction - wastewater fund	<u>4,308,371</u>
	<u>\$ 8,204,309</u>

\$8,020,429 of the City’s restricted cash balances are held in escrow accounts that investment in government securities money market funds. These funds were deposited in these escrow accounts pursuant to an agreement with the Texas Water Development Board. The escrowed funds are kept in separate accounts and can only be disbursed or withdrawn to pay the costs of approved projects and solely upon written authorization from the Texas Water Development Board.

**NOTE 4: DEFERRED OUTFLOWS/INFLOWS OF RESOURCES**

In addition to assets, the statement of financial position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net assets that applies to a future period(s) and thus, will not be recognized as an outflow of resources (expense/expenditure) until then. The City has two items that qualify in this category. They are deferred outflow related to TMRS pension and deferred outflows related to TMRS OPEB reported in the government-wide statement of net position and proprietary funds statement of net position.

In addition to liabilities, the statement of financial position and governmental funds balance sheet will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net assets that applies to a future period(s) and so will not be recognized as an inflow of resource (revenue) until that time. The City has three types of items in this category. Unavailable revenues for governmental funds and deferred inflows related to pensions and deferred inflows related to OPEB in the government-wide statement of net position and propriety funds statements are reported as deferred inflows of resources. The BEDC has deferred inflows related to leases. At the end of the fiscal year the components of deferred inflows in the governmental funds were as follows:

<b>Deferred inflows of resources - governmental funds</b>	
Deferred property taxes receivable (general fund)	\$ 143,794
Deferred property taxes receivable (general debt service fund)	52,122
Deferred franchise taxes receivable (general fund)	69,345
Deferred court fines (general fund)	<u>50,121</u>
Total deferred inflows for governmental funds	<u>\$ 315,382</u>

**CITY OF BRECKENRIDGE, TEXAS**  
**Notes to Financial Statements**  
**September 30, 2025**

**NOTE 5: INTERFUND RECEIVABLE, PAYABLES AND TRANSFERS**

The composition of interfund transfers for the City’s individual major funds and nonmajor funds at September 30, 2025, is as follows:

<u>Transfer In</u>	<u>Transfer Out</u>	<u>Amount</u>
General Fund	Water Fund	\$ 310,000
General Fund	Wastewater Fund	600,000
General Fund	Sanitation Fund	25,000
General Debt Service	Wastewater Fund	159,685
General Capital Projects	General Fund	75,000
Other governmental funds	General Fund	<u>227,809</u>
Total Governmental Funds Transfers In		<u>\$ 1,397,494</u>

Each year the water fund and wastewater fund transfer unrestricted revenues to finance various programs accounted for in the general fund in accordance with budgetary authorizations. Amounts transferred to the general capital projects fund and other governmental funds were for construction projects and equipment replacement. The general debt service fund was created to pay part of the water and wastewater debt and the amounts paid were treated as transfers.

**CITY OF BRECKENRIDGE, TEXAS**  
**Notes to Financial Statements**  
**September 30, 2025**

**NOTE 6: CAPITAL ASSETS**

Capital asset activity for the year ended September 30, 2025 were as follows:

Governmental activities:	Primary Government				Ending Balance
	Beginning Balance	Increases	Decreases	Transfers	
<b>Non - Depreciable Assets:</b>					
Land	\$ 194,585	\$ -	\$ -	\$ -	\$ 194,585
Construction in Progress	1,199,455	3,601,310	-	(725,999)	4,074,766
<b>Total non-depreciable assets</b>	<b>1,394,040</b>	<b>3,601,310</b>	<b>-</b>	<b>(725,999)</b>	<b>4,269,351</b>
<b>Depreciable Assets:</b>					
Buildings and improvements	1,501,805	87,588	-	293,231	1,882,624
Infrastructure	8,915,340	-	-	432,768	9,348,108
Vehicles and Equipment	2,236,206	-	(104,503)	-	2,131,703
Intangible Right-to-Use Lease vehicles and equipment	846,096	92,226	-	-	938,322
<b>Total capital assets being depreciated</b>	<b>13,499,447</b>	<b>179,814</b>	<b>(104,503)</b>	<b>725,999</b>	<b>14,300,757</b>
<b>Accumulated Depreciation and Amortization:</b>					
Buildings and improvements	(1,035,545)	(41,334)	-	-	(1,076,879)
Infrastructure	(2,313,098)	(210,904)	-	-	(2,524,002)
Vehicles and Equipment	(1,775,790)	(104,670)	104,503	-	(1,775,957)
Intangible Right-to-Use Lease - vehicles and equipment	(92,376)	(176,681)	-	-	(269,057)
<b>Total accumulated depreciation and amortization</b>	<b>(5,216,809)</b>	<b>(533,589)</b>	<b>104,503</b>	<b>-</b>	<b>(5,645,895)</b>
<b>Governmental activities capital assets, net</b>	<b>\$ 9,676,678</b>	<b>\$ 3,247,535</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 12,924,213</b>

Depreciation and amortization expense was charged to functions/programs of the governmental activities as follows:

<b>Governmental activities:</b>	
General government	29,345
Public Safety	148,645
Public Works	268,511
Cemetery	15,743
Parks	71,345
Community services	-
<b>Total - governmental activities</b>	<b>\$ 533,589</b>

**CITY OF BRECKENRIDGE, TEXAS**  
**Notes to Financial Statements**  
**September 30, 2025**

**NOTE 6: CAPITAL ASSETS - (Continued)**

Business-type activities:	Primary Government				
	Beginning Balance	Increases	Decreases	Transfers	Ending Balance
<b>Non - Depreciable Assets:</b>					
Land	\$ 193,297	\$ -	\$ -	\$ -	\$ 193,297
Construction in Progress	263,800	282,700	-	-	546,500
Total non-depreciable assets	457,097	282,700	-	-	739,797
<b>Depreciable Assets:</b>					
Land improvements	51,442	-	-	-	51,442
Buildings and improvements	1,310,830	-	-	-	1,310,830
Water and sewer systems	31,017,042	183,728	-	-	31,200,770
Vehicles and equipment	1,271,310	-	-	-	1,271,310
Intangible Right-to-Use Lease - Vehicles and equipment	210,246	-	-	-	210,246
Total capital assets being depreciated	33,860,870	183,728	-	-	34,044,598
<b>Accumulated Depreciation and Amortization:</b>					
Land improvements	(22,707)	(923)	-	-	(23,630)
Buildings and improvements	(1,018,562)	(25,667)	-	-	(1,044,229)
Water and sewer systems	(12,692,190)	(861,484)	-	-	(13,553,674)
Vehicles and equipment	(568,369)	(150,715)	-	-	(719,084)
Intangible Right-to-Use Lease - Vehicles and equipment	(35,776)	(42,150)	-	-	(77,926)
Total accumulated depreciation and amortization	(14,337,604)	(1,080,939)	-	-	(15,418,543)
Business-type activities capital assets, net	\$ 19,980,363	\$ (614,511)	\$ -	\$ -	\$ 19,365,852

Depreciation and amortization expense was charged to functions/programs of the business-type activities as follows:

<b>Business-type activities:</b>	
Water	\$ 717,988
Wastewater	357,925
Sanitation	-
Trade Days	5,026
Total - business-type activities	<u>\$1,080,939</u>

**CITY OF BRECKENRIDGE, TEXAS**  
**Notes to Financial Statements**  
**September 30, 2025**

**NOTE 6: CAPITAL ASSETS - (Continued)**

Discretely Presented Component Unit

Activity for the Breckenridge Economic Development Corporation for the year ended September 30, 2025 was as follows:

	Beginning Balance	Increases	Decreases	Ending Balance
<b>Non - Depreciable Assets:</b>				
Land	\$ 29,466	\$ -	\$ -	\$ 29,466
Total non-depreciable assets	<u>29,466</u>	<u>-</u>	<u>-</u>	<u>29,466</u>
<b>Depreciable Assets:</b>				
Buildings and improvements	121,790	-	-	121,790
Office furniture and equipment	5,400	-	-	5,400
Total capital assets being depreciated	<u>127,190</u>	<u>-</u>	<u>-</u>	<u>127,190</u>
<b>Accumulated Depreciation:</b>				
Buildings and improvements	(50,442)	(5,571)	-	(56,013)
Office furniture and Equipment	(5,400)	-	-	(5,400)
Total accumulated depreciation	<u>(55,842)</u>	<u>(5,571)</u>	<u>-</u>	<u>(61,413)</u>
Governmental activities capital assets, net	<u>\$ 100,814</u>	<u>\$ (5,571)</u>	<u>\$ -</u>	<u>\$ 95,243</u>

Properties Held for Economic Development

BEDC’s goal is to promote and develop the industrial and manufacturing enterprises in order to encourage employment in the City of Breckenridge. Property and equipment are acquired with the intent of making these properties available to prospective companies at a reasonable price as an incentive to relocate their business in Breckenridge. These properties are not considered investments and are reported at cost. At September 30, 2025, properties held for economic development at cost was \$1,918,128.

**NOTE 7: FINANCED PURCHASES**

The City has entered into agreements to finance the acquisition of equipment for the general fund and water fund. These leases qualify as financed purchases for accounting purposes and, therefore, have been recorded at the present value of the future minimum lease payments as of the date of inception.

\$199,876 agreement dated April 1, 2015, for a fire truck due in annual payments of \$23,719 including interest at 3.24% which matured April 1, 2025.

\$151,241 agreement dated April 15, 2022, for four trucks due in annual payments of \$50,414 including interest at 3.35% which matured April 15, 2025. This was split between the governmental activities and business-type activities.

**CITY OF BRECKENRIDGE, TEXAS**  
**Notes to Financial Statements**  
**September 30, 2025**

**NOTE 7: FINANCED PURCHASES- (Continued)**

\$125,138 agreement dated February 15, 2024 for 2 backhoe loaders due in monthly payments of \$2,462 including interest at 6.72% maturing February 15, 2029.

\$378,951 agreement dated February 22, 2024, for sewer cleaner equipment due in annual payments of \$59,133 including interest at 6.72% maturing May 1, 2029.

Future minimum commitments are as follows:

	<u>Governmental</u> <u>Activities</u>	<u>Business-type</u> <u>Activities</u>
2026	\$ -	\$ 88,672
2027	-	88,672
2028	-	88,672
2029	-	187,798
Total debt service requirements	-	453,814
Less: Interest Portion	-	72,616
Debt Principal	<u>\$ -</u>	<u>\$ 381,198</u>

Assets and related accumulated depreciation are as follows:

	<u>Governmental</u> <u>Activities</u>	<u>Business-Type</u> <u>Activities</u>
Vehicles and equipment	\$ 330,838	\$ 526,200
Less: Accumulated depreciation	<u>(216,125)</u>	<u>(356,258)</u>
Net	<u>\$ 114,713</u>	<u>\$ 169,942</u>

**NOTE 8: LEASE FINANCING**

The City, as a lessee, has entered into lease agreements involving copiers, printers and vehicles. The total of the City’s leased assets are recorded at a cost of \$1,148,568, less accumulated amortization of \$346,983. With the implementation of Governmental Accounting Standards Board Statement No. 87, Leases, a lease meeting the criteria of this statement requires the lessee to recognize a lease liability and an intangible right to use asset. This lease and assets are split between governmental and business-type activities.

The lease agreement is summarized as follows:

<u>Description</u>	<u>Date</u>	<u>Payment</u> <u>Terms</u>	<u>Interest</u> <u>Rate</u>	<u>Total</u> <u>Lease</u> <u>Liability</u>	<u>Balance</u> <u>9/30/2025</u>
Copiers/Printers	5/28/2021	60 months	3.10%	\$ 70,661	\$ 10,730
Vehicles		60 months	7.25 - 8.01%	1,077,907	830,035
Total				<u>\$ 1,148,568</u>	<u>\$ 840,765</u>

**CITY OF BRECKENRIDGE, TEXAS**  
**Notes to Financial Statements**  
**September 30, 2025**

**NOTE 8: LEASE FINANCING – (Continued)**

The future lease payments under lease agreements are as follows:

	Governmental Activities			Business-Type Activities		
	Principal	Interest	Total	Principal	Interest	Total
2026	\$ 173,627	47,641	\$ 221,268	\$ 40,761	\$ 9,344	\$ 50,105
2027	177,125	34,385	211,510	42,827	6,186	49,013
2028	188,964	20,201	209,165	43,535	2,815	46,350
2029	146,279	6,044	152,323	13,800	252	14,052
2030	13,842	420	14,262	-	-	-
<b>Total</b>	<b>\$ 699,837</b>	<b>\$ 108,691</b>	<b>\$ 808,528</b>	<b>\$ 140,923</b>	<b>\$ 18,597</b>	<b>\$ 159,520</b>

**NOTE 9: LONG-TERM DEBT**

The following is a summary of long-term debt transactions of the City for the year ended September 30, 2025.

Primary Government	9/30/2024	Additions	Retirements	9/30/2025	Due Within One Year
<b>Governmental Activities:</b>					
Direct Placement					
Certificates of Obligation, Series 2017B	\$ 3,189,000	\$ -	\$ 73,000	\$ 3,116,000	\$ 75,000
Certificates of Obligation, Series 2023	8,150,000	-	265,000	7,885,000	280,000
Series 2023 unamortized premium	405,696	-	38,226	367,470	36,807
Financed purchases	61,460	-	61,460	-	-
Lease Financing Payable	763,956	92,226	156,344	699,838	173,627
Compensated absences payable	262,750	274,345	262,750	274,345	74,073
Net pension liability	458,175	-	152,586	305,589	-
Total OPEB liability	155,974	-	9,700	146,274	-
<b>Total Governmental Activities</b>	<b>13,447,011</b>	<b>366,571</b>	<b>1,019,066</b>	<b>12,794,516</b>	<b>639,507</b>
<b>Business-type Activities:</b>					
Direct Placement					
Certificates of Obligation	8,793,000	-	299,000	8,494,000	305,000
Financed purchases	451,211	-	70,015	381,196	63,782
Lease Financing Payable	179,282	-	38,354	140,928	40,766
Compensated absences payable	95,527	98,611	95,527	98,611	26,625
Net pension liability	145,479	-	43,998	101,481	-
Total OPEB liability	49,527	-	946	48,581	-
<b>Total Business-type Activities</b>	<b>9,714,026</b>	<b>98,611</b>	<b>547,840</b>	<b>9,264,797</b>	<b>436,173</b>
<b>Total Long-Term Liabilities</b>	<b>\$ 23,161,037</b>	<b>\$ 465,182</b>	<b>\$ 1,566,906</b>	<b>\$ 22,059,313</b>	<b>\$ 1,075,680</b>

**CITY OF BRECKENRIDGE, TEXAS**  
**Notes to Financial Statements**  
**September 30, 2025**

**NOTE 9: LONG-TERM DEBT – (continued)**

At September 30, 2025, governmental activities and business-type activities bonds payable consisted of the following issues:

	<u>Primary Government</u>
<u>Governmental Activities</u>	
\$4,262,000 Combination Tax and Revenue Certificates of Obligation, Series 2017B, due in annual installments through September 15, 2057, bearing interest at 2.75%	\$ 3,116,000
\$8,385,000 Combination Tax and Revenue Certificates of Obligation, Series 2023, due in annual installments through September 15, 2043, bearing interest at 4.00 - 5.00%	<u>7,885,000</u>
Total Governmental Activities	<u>\$ 11,001,000</u>
<u>Business-Type Activities</u>	
\$1,680,000 Combination Tax and Surplus Revenue Certificates of Obligation Series 2012, due in annual installments through September 15, 2044, bearing interest at 0% - 2.27%.	\$ 435,000
\$840,000 Combination Tax and Surplus Revenue Certificates of Obligation Series 2013, due in annual installments through September 15, 2044, bearing interest at 0% - 2.27%.	565,000
\$2,380,000 Combination Tax and Surplus Revenue Certificates of Obligation Series 2014, due in annual installments through September 15, 2045, bearing interest at 0% - 4.30%	1,845,000
\$846,000 Combination Tax and Revenue Certificates of Obligation Series, 2017A, due in annual installments through September 15, 2057, bearing interest at 2.75%	684,000
\$2,935,000 Combination Tax and Surplus Revenue Certificates of Obligation Series 2022A, due in annual installments through March 15, 2053, bearing interest at 0.9%-2.02%	2,770,000
\$2,325,000 Combination Tax and Surplus Revenue Certificates of Obligation Series 2022B, due in annual installments through March 15, 2053, bearing interest at 0.74%-1.89%	<u>2,195,000</u>
Total business-type activities	<u>\$ 8,494,000</u>

Certain Certificates of Obligation Bonds are direct placements and include provisions that in the event the City defaults in the payments or performance of covenants, conditions, or obligations, the bond holders shall be entitled to seek a writ of mandamus issued by a court of proper jurisdiction compelling and requiring the governing body of the City to observe and perform the covenant, condition and obligation prescribed by the bond ordinance.

**CITY OF BRECKENRIDGE, TEXAS**  
**Notes to Financial Statements**  
**September 30, 2025**

**NOTE 9: LONG-TERM DEBT – (continued)**

The annual requirements to amortize governmental activities and business-type activities bonds outstanding as of September 30, 2025 are as follows:

Primary Government	Certificates of Obligation					
	Governmental Activities			Business-type Activities		
	Principal	Interest	Total	Principal	Interest	Total
2026	\$ 355,000	\$ 438,100	\$ 793,100	\$ 305,000	183,392	\$ 488,392
2027	372,000	421,635	793,635	310,000	178,206	488,206
2028	389,000	404,588	793,588	316,000	172,793	488,793
2029	406,000	386,290	792,290	321,000	167,011	488,011
2030	429,000	367,271	796,271	322,000	161,054	483,054
2031-2035	2,454,000	1,517,122	3,971,122	1,616,000	706,894	2,322,894
2036-2040	3,061,000	906,978	3,967,978	1,619,000	529,361	2,148,361
2041-2045	2,388,000	308,970	2,696,970	1,798,000	310,762	2,108,762
2046-2050	687,000	111,488	798,488	1,101,000	137,165	1,238,165
2051-2055	460,000	19,194	479,194	786,000	29,372	815,372
Total debt service requirements	\$ 11,001,000	\$ 4,881,636	\$ 15,882,636	\$ 8,494,000	\$ 2,576,010	\$ 11,070,010

Tax and revenue bonds are payable from property taxes pledges and surplus revenues of the water and wastewater system. The debt ordinances provide for tax pledges to be budgeted annually to the extent budgeted net operating water and wastewater system revenues fall short of annual retirements of principal and interest. A tax rate of \$.28309 per \$100 of assessed valuation was levied for this purpose during the current year. The debt ordinances also provide for the establishment of sinking funds for the retirement of debt principal and interest. The balances in the interest and sinking funds was \$354,919 for the general debt service at year-end. Management of the City believes that it is in compliance with all significant financial requirements required by debt covenants as of September 30, 2025.

**NOTE 10: RISK MANAGEMENT**

The City is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters. The City purchases commercial insurance to cover these risks. There have been no significant reductions in coverage and the amount of settlements during the past three years has not exceeded the insurance coverage.

**NOTE 11: TAX ABATEMENTS**

The City of Breckenridge is authorized to provide assistance for economic development under Chapter 380 of the Texas Local Government Code. The economic development must serve the purpose of promoting state or local economic development by stimulating business or commercial activity within the City. The assistance may be in the form of loans, grants, tax rebates and use of City personnel and services. The City has entered into Chapter 380 Economic Development Program Agreements with a developer and has agreed to provide sales tax grants and rebates. The City will pay to developer an amount equal to 60% of the project sales tax revenue for a period of ten years up to a maximum of \$325,000. The first payment was made in February 2018 and the final payment will be made in February 2027 if the maximum has not been paid at that date. The 380 Agreement was entered into in conjunction with a Performance Agreement between a developer and Breckenridge Economic Development Corporation, the two agreements being contingent upon execution of the other.

**CITY OF BRECKENRIDGE, TEXAS  
Notes to Financial Statements  
September 30, 2025**

**NOTE 11: TAX ABATEMENTS - (Continued)**

Below is a table of tax abatements for the year ended September 30, 2025.

Type of Business	Purpose	Tax Abated	Percent Abated	Abated	
				City	BEDC
Retail shopping center	Purchase, remodel and redevelop property	Sales Tax	60% of 1 cent	\$17,033	

**NOTE 12: DEFINED BENEFIT PENSION PLANS**

Plan Description

The City participates in one of 938 plans in the defined benefit cash-balance plan administered by the Texas Municipal Retirement System (TMRS). TMRS is a statewide public retirement plan created by the State of Texas and administered in accordance with the Texas Government Code, Title 8, Subtitle G (TMRS Act) as an agent multiple-employer retirement system for employees of Texas participating cities. The TRMS Act places the general administration and management of TMRS with a six-member, Governor-appointed Board of Trustees; however, TMRS is not fiscally dependent on the State of Texas. TMRS issues a publicly available Annual Comprehensive Financial Report (Annual Report) that can be obtained at *tmrs.com*.

All eligible employees of the city are required to participate in TMRS.

Benefits Provided

TMRS provides retirement, disability, and death benefits. Benefit provisions are adopted by the governing body of the city, within the options available in the state statutes governing TMRS.

At retirement, the member’s benefit is calculated based on the sum of the member’s contributions, with interest, and the city-financed monetary credits with interest. The retiring member may select one of seven monthly benefit options. Members may also choose to receive a portion of their benefit as a lump sum distribution in an amount equal to 12, 24, or 36 monthly payments, which cannot exceed 75% of the member contributions and interest.

The plan provisions are adopted by the governing body of the City, within the options available in the state statutes governing TMRS. Plan provisions for the City were as follows:

	Plan Year 2024
Employee deposit rate	5%
Matching ratio (city to employee)	1.5 -1
Years required for vesting	5
Service retirement eligibility (expressed as age/years of service)	60/5, 0/20
Updated service credit	100% Repeating, Transfers
Annuity increase (to retirees)	70% of CPI Repeating

**CITY OF BRECKENRIDGE, TEXAS**  
**Notes to Financial Statements**  
**September 30, 2025**

**NOTE 12: DEFINED BENEFIT PENSION PLANS – (Continued)**

At the December 31, 2024 valuation and measurement date, the following employees were covered by the benefit terms:

Active Employees	63
Inactive employees or beneficiaries currently receiving benefits	57
Inactive employees entitled to but not yet receiving benefits	<u>76</u>
	196

Contributions

The contribution rates for members in TMRS are either 5%, 6%, or 7% of the member’s total compensation, and the city matching percentages are either 100%, 150%, or 200%, both as adopted by the governing body of the city. Under the state law governing TMRS, the contribution rate for each city is determined annually by the actuary, using the Entry Age Normal (EAN) actuarial cost method. The City’s contribution rate is based on the liabilities created from the benefit plan options selected by the City and any changes in benefits or actual experience over time.

Employees for the City were required to contribute 5% of their annual gross earnings during the fiscal year. The contribution rates for the City were 8.62% and 8.54% in calendar years 2025 and 2024, respectively. The city’s contributions to TMRS for the year ended September 30, 2025, were \$277,107, and were more than the required contributions.

Net Pension Liability

The City’s Net Pension Liability (NPL) was measured as of December 31, 2024, and the Total Pension Liability (TPL) used to calculate the Net Pension Liability was determined by an actuarial valuation as of that date.

*Actuarial Assumptions:*

The Total Pension Liability in the December 31, 2024, actuarial valuation was determined using the following actuarial assumptions:

Inflation	2.5% per year
Overall payroll growth	2.75% per year
Investment Rate of Return	6.75%, net of pension plan investment expense, including inflation

**CITY OF BRECKENRIDGE, TEXAS**  
**Notes to Financial Statements**  
**September 30, 2025**

**NOTE 12: DEFINED BENEFIT PENSION PLANS – (Continued)**

Salary increases are based on a service-related table. Mortality rates for active members are based on the PUB(10) mortality tables with 110% of the Public Safety table used for males and 100% of the General Employee table used for females. Mortality rates for healthy retirees and beneficiaries are based on the Gender-distinct 2019 Municipal Retirees of Texas mortality tables. Male rates are multiplied by 103% and female rates are multiplied by 105%. The rates for actives, healthy retirees and beneficiaries are projected on a fully generational basis by the most recent Scale MP-2021 to account for future mortality improvements. For disabled annuitants, the same mortality tables for healthy retirees are used with a 4-year set-forward for males and a 3-year set-forward for females. In addition, a 3.5% and a 3.0% minimum mortality rate is applied, for males and females respectively, to reflect the impairment for younger members who become disabled. The rates are projected on a fully generational basis by the most recent Scale MP-2021 to account for future mortality improvements subject to the 3% floor.

The actuarial assumptions were developed primarily from the actuarial investigation of the experience of TMRS over the four-year period from December 31, 2018 to December 31, 2022. The assumptions were adopted in 2023 and first used in the December 31, 2023, actuarial valuation. The post-retirement mortality assumption for Annuity Purchase Rates (APRs) is based on the Mortality Experience Investigation Study covering 2009 through 2011 and dated December 31, 2013. Plan assets are managed on a total return basis with an emphasis on both capital appreciation as well as the production of income to satisfy the short-term and long-term funding needs of TMRS.

The long-term expected rate of return on pension plan investments was determined by best estimate ranges of expected returns for each major asset class. The long-term expected rate of return is determined by weighting the expected return for each major asset class by the respective target asset allocation percentage. The target allocation and best estimates of the expected rate of return for each major asset class in fiscal year 2025 are summarized in the following table:

Asset Class	Target Allocation	Long-Term Expected Rate of Return (Arithmetic)
Global Equity	35.00%	7.10%
Core Fixed Income	6.00%	5.00%
Non-Core Fixed Income	6.00%	6.80%
Hedge Funds	5.00%	6.40%
Private Equity	13.00%	8.50%
Private Debt	13.00%	8.20%
Real Estate	12.00%	6.70%
Infrastructure	6.00%	6.00%
Other Private Markets	4.00%	7.30%
Total	100.0%	

**CITY OF BRECKENRIDGE, TEXAS**  
**Notes to Financial Statements**  
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**NOTE 12: DEFINED BENEFIT PENSION PLANS – (Continued)**

*Discount Rate*

The discount rate used to measure the Total Pension Liability was 6.75%. The projection of cash flows used to determine the discount rate assumed that member and employer contributions will be made at the rates specified in statute. Based on that assumption, the pension plan’s Fiduciary Net Position was projected to be available to make all projected future benefit payments of current active and inactive employees. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the Total Pension Liability.

*Changes in the Net Pension Liability*

	Increase (Decrease)		
	Total Pension Liability	Plan Fiduciary Net Position	Net Pension Liability
	(a)	(b)	(a) - (b)
Balance at 12/31/23	\$ 9,500,660	\$ 8,897,004	\$ 603,656
Changes for the year:			
Service cost	316,180	-	316,180
Interest	633,039	-	633,039
Difference between expected and actual experience	195,764	-	195,764
Changes of assumptions	-	-	-
Contributions-employer	-	269,616	(269,616)
Contributions-employee	-	157,303	(157,303)
Net investment income	-	920,716	(920,716)
Benefit payments, including refunds of employee contributions	(560,803)	(560,803)	-
Administrative expense	-	(5,929)	5,929
Other changes	-	(139)	139
Net changes	584,180	780,764	(196,584)
Balance at 12/31/24	<u>\$ 10,084,840</u>	<u>\$ 9,677,768</u>	<u>\$ 407,072</u>

*Sensitivity of the Net Pension Liability to Changes in the Discount Rate*

The following presents the net pension liability of the City, calculated using the discount rate of 6.75%, as well as what the City’s net pension liability would be if it were calculated using a discount rate that is 1-percentage-point lower (5.75%) or 1-percentage-point higher (7.75%) than the current rate:

	1% Decrease in		1% Increase in	
	Discount Rate (5.75%)	Discount Rate (6.75%)	Discount Rate (7.75%)	
City's Net Pension Liability	\$ 1,649,578	\$ 407,070	\$ (620,142)	

**CITY OF BRECKENRIDGE, TEXAS**  
**Notes to Financial Statements**  
**September 30, 2025**

**NOTE 12: DEFINED BENEFIT PENSION PLANS – (Continued)**

*Pension Plan Fiduciary Net Position*

Detailed information about the pension plan’s Fiduciary Net Position is available in a separately-issued TMRS financial report. That report may be obtained on the Internet at [www.tMrs.com](http://www.tMrs.com).

Pension Expense and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions

For the year ended September 30, 2025, the City recognized pension expense of \$361,744.

At September 30, 2025, the City reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	<u>Deferred Outflows of Resources</u>	<u>Deferred Inflows of Resources</u>
Differences between expected and actual economic experience	\$ 184,090	\$ -
Changes in actuarial assumptions	-	22,718
Differences between projected and actual investment earnings	-	85,114
Contributions subsequent to the measurement date	203,889	-
Total	<u>\$ 387,979</u>	<u>\$ 107,832</u>

\$203,889 reported as deferred outflows of resources related to pensions resulting from contributions subsequent to the measurement date will be recognized as a reduction to the net pension liability for the year ending September 30, 2026. Other amounts reported as deferred outflows and inflows of resources related to pensions will be recognized in pension expense as follows:

Year ended December 31:	<u>Net Deferred outflows (inflows) of resources</u>
2025	\$ 121,416
2026	161,002
2027	(142,127)
2028	(64,032)
2029	-
Thereafter	-
	<u>\$ 76,259</u>

**CITY OF BRECKENRIDGE, TEXAS**  
**Notes to Financial Statements**  
**September 30, 2025**

**NOTE 13: POST EMPLOYMENT BENEFITS OTHER THAN PENSIONS (OPEB)**

**A. Plan Description**

Texas Municipal Retirement System (TMRS) administers an optional death benefit plan, the Supplemental Death Benefits Fund (SDBF), which operates like a group-term life insurance plan. This is a voluntary program in which participating member cities may elect, by ordinance, to provide supplemental death benefits for their active members with optional coverage for their retirees. The death benefit for active members provides a lump-sum payment approximately equal to the member’s annual salary (calculated based on the member’s actual earnings, for the 12-month period preceding the month of death). The death benefit for retirees is considered an other postemployment benefit (OPEB) and is a fixed amount of \$7,500. As the SDBF covers both active and retiree participants with no segregation of assets, the SDBF is considered to be an unfunded OPEB plan (i.e., no assets are accumulated).

The participating city contributes to the SDBF at a contractually required rate as determined by an annual actuarial valuation. The rate is based on the mortality and service experience of all employees covered by the SDBF and the demographics specific to the workforce of the city. The funding policy for the SDBF program is to assure that adequate resources are available to meet all death benefit payments for the upcoming year. As such, contributions fund the covered active Member and retiree deaths on a pay-as-you-go basis.

**B. Benefits Provided**

At the December 31, 2024 valuation and measurement date, the following employees were covered by the benefit terms:

Inactive employees or beneficiaries currently receiving benefits	33
Inactive employees entitled to but not yet receiving benefits	11
Active employees	63
	107

**C. Total OPEB Liability**

The City’s total OPEB liability was measured as of December 31, 2024, and was determined by an actuarial valuation as of that date.

*Actuarial Assumptions:*

The Total OPEB Liability in the December 31, 2024 actuarial valuation was determined using the following actuarial assumptions:

Inflation	2.5% per year
Overall payroll growth	3.60% to 11.85% including infation
Retirees' share of benefit related costs	\$0

All administrative expenses are paid through the Pension Trust and accounted for under reporting requirements under GASB Statement No. 68.

**CITY OF BRECKENRIDGE, TEXAS**  
**Notes to Financial Statements**  
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**NOTE 13: POST EMPLOYMENT BENEFITS OTHER THAN PENSIONS (OPEB) – (Continued)**

Mortality rates for service retirees were based the 2019 Municipal Retirees of Texas Mortality Tables. Male rates are multiplied by 103% and female rates are multiplied by 105%. The rates are projected on a fully generational basis by the most recent Scale MP-2021 (with immediate convergence).

Mortality rates for disabled retirees were based the 2019 Municipal Retirees of Texas Mortality Tables with a 4 year set-forward for males and a 3 year set-forward for females. In addition, a 3.5% and 3% minimum mortality rate will be applied to reflect the impairment for younger members who become disabled for males and females, respectively. The rates are projected on a fully generational basis by the most recent Scale MP-2021 (with immediate convergence) to account for future mortality improvements subject to the floor.

The actuarial assumptions used in the December 31, 2024 valuation were based on the results of an actuarial experience study for the period ending December 31, 2022.

*Discount Rate:*

The discount rate used to measure the Total OPEB Liability was 4.08%. The discount rate was based on Fidelity Index’s “20-Year Municipal GO AA Index” rate as of December 31, 2024.

*Changes in the OPEB Liability*

	Total OPEB Liability (a)
Balances as of December 31, 2023	\$ 205,501
Changes for the year:	
Service cost	7,236
Interest on total OPEB liability	7,747
Effect of plan changes	-
Effect of economic/demographic gains or losses	(8,515)
Effect of assumptions changes or inputs	(9,878)
Benefit payments	(7,236)
Net changes	(10,646)
Balances as of December 31, 2024	\$ 194,855

*Sensitivity of the Total OPEB Liability to Changes in the Discount Rate*

The following presents the total OPEB liability of the City, calculated using the discount rate of 4.08%, as well as what the City’s total OPEB liability would be if it were calculated using a discount rate that is 1-percentage-point lower (3.08%) or 1-percentage-point higher (5.08%) than the current rate:

	1% decrease discount rate 3.08%	Current Discount Rate 4.08%	1% increase discount rate 5.08%
Total OPEB Liability	\$ 229,527	\$ 194,855	\$ 167,352

**CITY OF BRECKENRIDGE, TEXAS**  
**Notes to Financial Statements**  
**September 30, 2025**

**NOTE 13: POST EMPLOYMENT BENEFITS OTHER THAN PENSIONS (OPEB) – (Continued)**

*OPEB Expense and Deferred Outflows of Resources and Deferred Inflows of Resources Related to OPEB*

For the year ended September 30, 2025, the City recognized OPEB expense of \$2,033.

At September 30, 2025, the City reported deferred outflows of resources and deferred inflows of resources relate to OPEB for the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual experience	\$ 2,434	\$ 9,657
Changes in assumptions	7,981	44,150
Contributions made subsequent to measurement date	5,428	-
<b>Total</b>	<b>\$ 15,843</b>	<b>\$ 53,807</b>

\$5,428 reported as deferred outflows of resources related to OPEB resulting from contributions subsequent to the measurement date will be recognized as a reduction of the OPEB liability for the year ending September 30, 2026. Amounts reported as deferred outflows and inflows of resources related to OPEB will be recognized in OPEB expense as follows:

Plan year ended December 31:	
2025	\$ (19,091)
2026	(18,438)
2027	(3,610)
2028	(2,253)
2029	-
Thereafter	-
<b>Total</b>	<b>\$ (43,392)</b>

**NOTE 14: CONTINGENT LIABILITIES**

**A. Federal and State Programs**

Federal and state funding received related to various grant programs are based upon periodic reports detailing reimbursable expenditures made, in compliance with program guidelines, to the grantor agency. These programs are governed by various statutory rules and regulations of the grantors. Amounts received and receivable under these various funding programs are subject to periodic audit and adjustment by the funding agencies. To the extent, if any, the City has not complied with all the rules and regulations with respect to performance, financial or otherwise, adjustment to or return of fund monies may be required.

As it pertains to other matters of compliance, in the opinion of the City’s administration, there are no significant contingent liabilities relating to matters of compliance and accordingly, no provision has been made in the accompanying financial statements for such contingencies.

**CITY OF BRECKENRIDGE, TEXAS**  
**Notes to Financial Statements**  
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**NOTE 14: CONTINGENT LIABILITIES (Continued)**

**B. USDA Loan Program**

The Breckenridge Economic Development Corporation (BEDC) has in the past received funds from the USDA for a loan program to allow BEDC to assist new businesses with low interest loans. There are no reporting requirements on the use of the funds; however, the funds are required to be maintained intact with interest earned for the loan program. To the extent, if any, the BEDC has not complied with all the rules and regulations return of fund money may be required.

**NOTE 15: SUBSCRIPTION-BASED INFORMATION TECHNOLOGY ARRANGEMENTS**

GASB Statement No. 96, Subscription-Based Information Technology Arrangements was effective beginning the fiscal year ended September 30, 2025. The City has entered into subscription-based information technology arrangements involving:

- A SCADA (Supervisory Control and Data Acquisition) watch service suite regarding the Agency's water system.
- Various desktop and server software subscriptions
- Accounting and payroll services software
- Work order and code enforcement software
- Police and dispatch
- Emergency notification system

The City has outflows of resources during the fiscal year totaling \$95,063 that are not included in the measurement of a subscription liability. The City's software subscriptions are not commitments longer than twelve months therefore a subscription liability is not calculated.

**NOTE 16: NEW ACCOUNTING PRONOUNCEMENTS**

The City implemented GASB Statement No. 101, *Compensated Absences* for the fiscal year ended September 30, 2025. This Statement requires governments to recognize a liability for compensated absences when leave benefits are earned, rather than when the leave is taken or paid. The Statement also requires governments to incorporate expected payout estimates for leave that is payable only under certain conditions.

During implementation, the City evaluated its policies for vacation and sick leave. Under City policy, employees' vacation and sick time are payable upon separation from service. The City reviewed historical separation patterns and past sick leave payouts to estimate the portion of sick leave expected to result in payment.

Implementation of the Statement resulted in the compensated absences liability being measured using employee pay rates in effect at year-end, expected payout percentages for sick leave, and applicable salary related costs such as the City's share of payroll taxes. As a result of adopting this Statement, the City's compensated absences liability increased \$358,277.

**CITY OF BRECKENRIDGE, TEXAS**  
**Notes to Financial Statements**  
**September 30, 2025**

**NOTE 16: NEW ACCOUNTING PRONOUNCEMENTS (Continued)**

Beginning net position of the governmental activities and business-type activities was reduced by the following prior period adjustments:

	Governmental Activities	Business-type Activities	Water Fund	Wastewater Fund	Sanitation Fund
Net Position per 9/30/24 audited financial statements	8,279,018	20,007,550	12,259,249	7,464,573	63,685
Compensated Absences	(262,750)	(95,527)	(76,003)	(19,212)	(312)
Restated Net Position 9/30/24	<u>\$ 8,016,268</u>	<u>\$ 19,912,023</u>	<u>\$ 12,183,246</u>	<u>\$ 7,445,361</u>	<u>\$ 63,373</u>

**NOTE 17: SUBSEQUENT EVENTS**

Subsequent events were evaluated through January 27, 2026, which is the date the financial statements were available to be issued.

January 14, 2026, the City issued \$1,720,000 Combination Tax and Surplus Revenue Certificates of Obligation, Series 2026 and received a \$4,003,900 grant from the Texas Water Development Board to acquire, construct, and install additions, improvements, extensions, and equipment for the City’s water system, including without limitation water lines, water storage facilities, pump stations, service connections, valves, fittings, SCADA and related infrastructure improvements. The certificates of obligation mature March 15, 2046 and have interest rates of 1.64% - 3.01%.

**REQUIRED SUPPLEMENTARY INFORMATION**

**EXHIBIT F-1**

CITY OF BRECKENRIDGE, TEXAS  
 General Fund  
 Schedule of Revenues, Expenditures and Changes in Fund Balance - Budget and Actual  
 For the year ended September 30, 2025

	Budgeted Amounts		Actual	Variance with
	Original	Final		Final Budget Positive (Negative)
Revenues:				
Taxes:				
Property taxes	\$ 2,179,319	\$ 2,198,319	\$ 2,208,344	10,025
Sales and use tax	1,476,750	1,476,750	1,495,878	19,128
Franchise	440,000	449,530	440,954	(8,576)
Hotel motel taxes	75,000	75,000	44,705	(30,295)
Charges for service	203,570	234,723	274,931	40,208
Grants and contributions	11,800	75,586	70,599	(4,987)
Interest income	2,500	5,350	5,873	523
Other revenue	17,800	38,414	40,525	2,111
Total revenues	<u>4,406,739</u>	<u>4,553,672</u>	<u>4,581,809</u>	<u>28,137</u>
Expenditures:				
Current				
General government	1,603,797	1,546,087	1,523,763	22,324
Public Safety	2,525,885	2,668,508	2,573,914	94,594
Public Works	436,172	436,172	385,258	50,914
Cemetery	75,500	75,500	63,454	12,046
Parks	330,073	340,073	293,061	47,012
Community services	14,000	14,000	14,018	(18)
Tourism	75,000	75,000	36,320	38,680
Debt service:				
Principal	-	-	14,099	(14,099)
Interest and fiscal charges	-	-	537	(537)
Total expenditures	<u>5,060,427</u>	<u>5,155,340</u>	<u>4,904,424</u>	<u>250,916</u>
Excess (deficiency) of revenue over (under) expenditures	\$ <u>(653,688)</u>	\$ <u>(601,668)</u>	\$ <u>(322,615)</u>	<u>279,053</u>
Other financing sources (uses):				
Insurance recoveries	-	-	3,796	3,796
Proceeds Sale of Assets	-	4,260	4,260	-
Transfers in	925,000	935,000	935,000	-
Transfers out	<u>(262,034)</u>	<u>(337,034)</u>	<u>(337,034)</u>	<u>-</u>
Net change in fund balances	9,278	558	283,407	282,849
Fund balance, October 1, 2024	<u>1,956,335</u>	<u>1,956,335</u>	<u>1,956,335</u>	<u>-</u>
Fund balance, September 30, 2025	\$ <u><u>1,965,613</u></u>	\$ <u><u>1,956,893</u></u>	\$ <u><u>2,239,742</u></u>	<u><u>282,849</u></u>

The accompanying notes to required supplementary information are an integral part of this schedule.

CITY OF BRECKENRIDGE  
 Schedule of Changes in Net Pension Liability and Related Ratios  
 Last 10 Years

**Total pension liability**

Plan Year	2015	2016	2017	2018
Service Cost	\$ 202,264	\$ 210,034	\$ 208,582	\$ 216,654
Interest (on the Total Pension Liability)	529,436	528,297	542,655	544,367
Differences between expected and actual experience	9,535	7,317	(186,991)	(211,430)
Change of assumptions	20,408	-	-	-
Benefit payments, including refunds of employee contributions	(490,767)	(513,801)	(550,633)	(535,182)
Net Change in Total Pension Liability	270,876	231,847	13,613	14,409
Total Pension Liability-Beginning	\$ 7,707,630	\$ 7,978,506	\$ 8,210,353	\$ 8,223,966
<b>Total Pension Liability-Ending (a)</b>	<b>\$ 7,978,506</b>	<b>\$ 8,210,353</b>	<b>\$ 8,223,966</b>	<b>\$ 8,238,375</b>

**Plan Fiduciary Net Position**

Contributions-Employer	194,097	190,642	202,916	195,613
Contributions-Employee	111,625	108,714	120,197	112,140
Net Investment Income	10,008	446,397	946,773	(225,809)
Benefit payments, including refunds of employee contributions	(490,767)	(513,801)	(550,633)	(535,182)
Administrative Expense	(6,097)	(5,039)	(4,905)	(4,367)
Other	(302)	(272)	(248)	(228)
Net Change in Plan Fiduciary Net Position	(181,436)	226,641	714,100	(457,833)
Plan Fiduciary Net Position-Beginning	6,783,781	6,602,345	6,828,986	7,543,086
<b>Plan Fiduciary Net Position-Ending (b)</b>	<b>\$ 6,602,345</b>	<b>\$ 6,828,986</b>	<b>\$ 7,543,086</b>	<b>\$ 7,085,253</b>

<b>Net Pension Liability/(Asset) -Ending (a) - (b)</b>	<b>\$ 1,376,161</b>	<b>\$ 1,381,367</b>	<b>\$ 680,880</b>	<b>\$ 1,153,122</b>
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Plan Fiduciary Net Position as a Percentage of Total Pension Liability	82.75%	83.18%	91.72%	86.00%
Covered Employee Payroll	\$ 2,232,491	\$ 2,174,270	\$ 2,152,549	\$ 2,242,795
Net Pension Liability as a Percentage of Covered Employee Payroll	61.64%	63.53%	31.63%	51.41%

The accompanying notes to the required supplementary information are an integral part of this schedule.

## EXHIBIT F-2

2019	2020	2021	2022	2023	2024
\$ 221,658	\$ 207,065	\$ 198,705	\$ 236,527	\$ 258,438	\$ 316,180
547,074	563,096	561,614	575,798	599,877	633,039
(23,452)	(200,387)	5,208	102,048	257,409	195,764
48,717	-	-	-	(96,004)	-
(488,813)	(609,861)	(565,226)	(583,396)	(553,810)	(560,803)
305,184	(40,087)	200,301	330,977	465,910	584,180
\$ 8,238,375	8,543,559	\$ 8,503,472	\$ 8,703,773	\$ 9,034,750	\$ 9,500,660
\$ 8,543,559	8,503,472	\$ 8,703,773	\$ 9,034,750	\$ 9,500,660	\$ 10,084,840
199,772	186,334	176,398	210,001	224,293	269,616
114,375	106,734	102,320	121,911	131,320	157,303
1,094,327	606,416	1,078,262	(660,505)	941,264	920,716
(488,813)	(609,861)	(565,226)	(583,396)	(553,810)	(560,803)
(6,189)	(3,929)	(4,997)	(5,730)	(6,008)	(5,929)
(187)	(152)	36	6,836	(42)	(139)
913,285	285,542	786,793	(910,883)	737,017	780,764
7,085,253	7,998,537	8,284,079	9,070,872	8,159,989	8,897,006
\$ 7,998,538	8,284,079	\$ 9,070,872	\$ 8,159,989	\$ 8,897,006	\$ 9,677,770
\$ 545,021	\$ 219,393	\$ (367,099)	\$ 874,761	\$ 603,654	\$ 407,070
93.62%	97.42%	104.22%	90.32%	93.65%	95.96%
\$ 2,287,492	\$ 2,134,687	\$ 2,046,397	\$ 2,416,006	\$ 2,626,401	\$ 3,146,066
23.83%	10.28%	-17.94%	36.21%	22.98%	12.94%

The accompanying notes to the required supplementary information are an integral part of this schedule.

**EXHIBIT F-3**

CITY OF BRECKENRIDGE  
Schedule of Contributions  
Last 10 Fiscal Years

Fiscal Year Ending September 30	Actuarially Determined Contribution	Actual Employer Contribution	Contribution Deficiency (Excess)	Pensionable Covered Payroll	Contribution as a % of Covered Payroll
2016	180,812	196,535	(15,723)	2,224,633	8.83%
2017	172,193	187,357	(15,164)	2,174,270	8.62%
2018	176,428	194,107	(17,679)	2,222,130	8.74%
2019	173,077	198,814	(25,737)	2,285,528	8.70%
2020	159,687	197,208	(37,521)	2,260,850	8.72%
2021	142,074	176,634	(34,560)	2,043,408	8.64%
2022	153,711	206,889	(53,178)	2,400,092	8.62%
2023	155,043	217,960	(62,917)	2,545,260	8.56%
2024	187,562	254,215	(66,653)	2,968,699	8.56%
2025	218,693	277,107	(58,414)	3,214,273	8.62%

The accompanying notes to required supplementary information are an integral part of this schedule.

CITY OF BRECKENRIDGE  
 Schedule of Changes in Total OPEB Liability and Related Ratios  
 Last 10 Years

<b>Total OPEB liability</b>	2017	2018	2019	2020	2021	2022	2023	2024
Plan Year								
Service Cost	\$ 6,888	\$ 8,298	\$ 7,091	\$ 10,033	\$ 9,823	\$ 11,355	\$ 7,879	\$ 7,236
Interest (on the Total Pension Liability)	6,417	6,520	6,933	6,120	5,230	4,884	7,427	7,747
Changes of benefit terms	-	-	-	-	-	-	-	-
Differences between expected and actual experience	-	(10,010)	(11,819)	(6,035)	(13,794)	277	4,218	(8,515)
Change of assumptions or other inputs	14,955	(12,381)	33,783	32,024	7,546	(89,506)	10,482	(9,878)
Benefit payments, including refunds of employee contributions	(1,507)	(2,019)	(1,830)	(1,708)	(4,502)	(6,765)	(7,879)	(7,236)
Net Change in Total Pension Liability	26,753	(9,592)	34,158	40,434	4,303	(79,755)	22,127	(10,646)
Total Pension Liability-Beginning	167,073	193,826	184,234	218,392	258,826	263,129	183,374	205,501
<b>Total Pension Liability-Ending (a)</b>	<b>\$ 193,826</b>	<b>\$ 184,234</b>	<b>\$ 218,392</b>	<b>\$ 258,826</b>	<b>\$ 263,129</b>	<b>\$ 183,374</b>	<b>\$ 205,501</b>	<b>\$ 194,855</b>
Covered Employee Payroll	\$ 2,152,549	\$ 2,242,795	\$ 2,287,492	\$ 2,134,687	\$ 2,046,397	\$ 2,416,006	\$ 2,626,401	\$ 3,146,066
Employee Payroll	9.00%	8.21%	9.55%	12.12%	12.86%	7.59%	7.82%	6.19%

The accompanying notes to required supplementary information are an integral part of this schedule.

CITY OF BRECKENRIDGE  
Notes to the Required Supplementary Information  
For the Year Ended September 30, 2025

Budget

Annual operating budget is adopted on a basis consistent with generally accepted accounting principles for all general fund, special revenue, capital projects and proprietary funds. All annual appropriations lapse at fiscal year end.

The City Commission follows these procedures in establishing budgetary data reflected in the financial statements.

- a. The City Commission prior to October 1 formally adopts the City's budget at a duly advertised public meeting and before expenditure of funds for the budget year. The budget is legally enacted by the adoption of an ordinance.
- b. The budget may be amended with the approval of a voting majority of the members of the City Commission. The budget was amended once during the year.
- c. Budgetary control is maintained at the fund level, subject to adjustments permitted as described above.

Excess of Expenditures over Appropriations

Debt Service expenditures exceeded the budget in the general fund, however total expenditures were \$250,916 less than budgeted.

CITY OF BRECKENRIDGE  
Notes to the Required Supplementary Information  
For the Year Ended September 30, 2025

Schedule of Contributions

**Valuation Date:**

Notes Actuarially determined contribution rates are calculated as of December 31 and become effective in January 13 months later.

**Methods and Assumptions Used to Determine Contribution Rates:**

Actuarial Cost Method	Entry Age Normal
Amortization Method	Level Percentage of Payroll, Closed
Remaining Amortization Period	20 years (longest amortization ladder)
Asset Valuation Method	10 Year smoothed market; 12% soft corridor
Inflation	2.50%
Salary Increases	3.60% to 11.85% including inflation
Investment Rate of Return	6.75%
Retirement Age	Experience-based table of rates that vary by age. Last updated for the 2023 valuation pursuant to an experience study of the period ending 2022.
Mortality	Post retirement: 2019 Municipal Retirees of Texas Mortality Tables. Male rates are multiplied by 103% and female rates are multiplied by 105%. The rates are projected on a fully generational basis by the most recent Scale MP-2021 (with immediate convergence). Pre-retirement: PUB(10) mortality tables, with the 110% of the Public Safety table used for males and the 100% General Employee tables used for females. The rates are projected on a fully generational basis by the most recent Scale MP-2021 (with immediate convergence).

**Other Information:**

Notes There were no benefit changes during the year.

Schedule of Changes in Total OPEB Liability

No assets are accumulated in a trust that meets the criteria in paragraph 4 of GASB Statement No. 75 to pay related benefits.

**COMBINING FINANCIAL STATEMENTS  
NONMAJOR GOVERNMENTAL FUNDS**

CITY OF BRECKENRIDGE, TEXAS  
 Nonmajor Funds  
 Combining Balance Sheet  
 September 30, 2025

	Special Revenue Funds			
	Fire Department	Park	Police Department	Total Special Revenue Funds
<b>Assets:</b>				
Cash	\$ 8,192	\$ 8,694	\$ 13,684	\$ 30,570
Investments	-	-	-	-
Receivables (Net of allowances)				
Other taxes	-	-	-	-
Grant	-	-	-	-
<b>Total assets</b>	<b>\$ 8,192</b>	<b>\$ 8,694</b>	<b>\$ 13,684</b>	<b>\$ 30,570</b>
<b>Liabilities and fund balance:</b>				
<b>Liabilities:</b>				
Accounts payable	\$ -	\$ -	\$ -	\$ -
Due to other funds	-	-	-	-
<b>Total liabilities</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Fund Balances:</b>				
Restricted fund balance	\$ 8,192	\$ 8,694	\$ 13,684	\$ 30,570
Committed fund balance	-	-	-	-
<b>Total fund balance</b>	<b>8,192</b>	<b>8,694</b>	<b>13,684</b>	<b>30,570</b>
<b>Total liabilities and fund balances</b>	<b>\$ 8,192</b>	<b>\$ 8,694</b>	<b>\$ 13,684</b>	<b>\$ 30,570</b>

EXHIBIT G-1

Capital Project Funds			Permanent Fund	
Equipment Replacement	Street Maintenance Fund	Total Capital Projects Funds	Cemetery Fund	Total Nonmajor Funds
\$ 279,046	\$ 552,217	\$ 831,263	\$ -	\$ 861,833
-	-	-	650,900	650,900
-	51,934	51,934	-	51,934
-	-	-	-	-
<u>\$ 279,046</u>	<u>\$ 604,151</u>	<u>\$ 883,197</u>	<u>\$ 650,900</u>	<u>\$ 1,564,667</u>
\$ 579	\$ -	\$ 579	\$ -	\$ 579
-	-	-	-	-
<u>579</u>	<u>-</u>	<u>579</u>	<u>-</u>	<u>579</u>
\$ -	\$ 604,151	\$ 604,151	\$ 650,900	\$ 1,285,621
<u>278,467</u>	<u>-</u>	<u>278,467</u>	<u>-</u>	<u>278,467</u>
<u>278,467</u>	<u>604,151</u>	<u>882,618</u>	<u>650,900</u>	<u>1,564,088</u>
<u>\$ 279,046</u>	<u>\$ 604,151</u>	<u>\$ 883,197</u>	<u>\$ 650,900</u>	<u>\$ 1,564,667</u>

CITY OF BRECKENRIDGE, TEXAS  
 Nonmajor Funds  
 Combining Statement of Revenues, Expenditures and Changes in Fund Balance  
 For the year ended September 30, 2025

	Special Revenue Funds			Total Special Revenue Funds
	Fire Department	Park	Police Department	
Revenues:				
Sales and use tax	\$	\$	\$	\$ -
Grants and contributions	3,767	627		4,394
Investment earnings	19	24	35	78
Other revenue	-	-	-	-
<b>Total revenue</b>	<b>3,786</b>	<b>651</b>	<b>35</b>	<b>4,472</b>
Expenditures:				
Current:				
General Government	-	-	-	-
Public Safety	3,518	-	-	3,518
Public Works	-	-	-	-
Parks	-	1,595	-	1,595
Cemetery	-	-	-	-
Capital Outlay	-	-	-	-
Debt service:				
Principal	-	-	-	-
Interest and fiscal charges	-	-	-	-
<b>Total expenditures</b>	<b>3,518</b>	<b>1,595</b>	<b>-</b>	<b>5,113</b>
Excess (deficiency) of revenue over (under) expenditures	268	(944)	35	(641)
Other financing sources (uses):				
Proceeds Sale of Assets	-	-	-	-
Insurance Casualty Loss				
Lease Financing	-	-	-	-
Transfers in	-	-	-	-
<b>Net change in fund balances</b>	<b>268</b>	<b>(944)</b>	<b>35</b>	<b>(641)</b>
Fund Balance, October 1, 2024	7,924	9,638	13,649	31,211
Fund Balance, September 30, 2025	\$ 8,192	\$ 8,694	\$ 13,684	\$ 30,570

EXHIBIT G-2

Equipment Replacement	Capital Project Funds		Permanent Fund	Total Nonmajor Funds
	Street Maintenance Fund	Total Capital Projects Funds	Cemetery Fund	
\$	\$ 297,899	\$ 297,899	\$	\$ 297,899
		-		4,394
926	1,109	2,035	39,090	41,203
		-	3,420	3,420
<u>926</u>	<u>299,008</u>	<u>299,934</u>	<u>42,510</u>	<u>346,916</u>
-	-	-	-	-
-	-	-	-	3,518
-	63,794	63,794	-	63,794
-	-	-	-	1,595
-	-	-	20,981	20,981
180,557	-	180,557	-	180,557
-	-	-	-	-
203,705	-	203,705	-	203,705
57,036	-	57,036	-	57,036
<u>441,298</u>	<u>63,794</u>	<u>505,092</u>	<u>20,981</u>	<u>531,186</u>
<u>(440,372)</u>	<u>235,214</u>	<u>(205,158)</u>	<u>21,529</u>	<u>(184,270)</u>
45,989	-	45,989	-	45,989
1,600	-	1,600	-	1,600
92,411	-	92,411	-	92,411
227,809	-	227,809	-	227,809
<u>(72,563)</u>	<u>235,214</u>	<u>162,651</u>	<u>21,529</u>	<u>183,539</u>
<u>351,030</u>	<u>368,937</u>	<u>719,967</u>	<u>629,371</u>	<u>1,380,549</u>
<u>\$ 278,467</u>	<u>\$ 604,151</u>	<u>\$ 882,618</u>	<u>\$ 650,900</u>	<u>\$ 1,564,088</u>

**OTHER SUPPLEMENTARY INFORMATION**  
**(Unaudited)**

**CITY OF BRECKENRIDGE, TEXAS**  
Schedule of Delinquent Property Taxes Receivable  
For the fiscal year ended September 30, 2025

Last Ten Years Ended Sept 30	Tax Rate		Assessed Value	Beginning Balance October 1
	Maintenance	Debt Service		
2016 and prior	0.6148	0.3252	196,762,440	42,391
2017	0.6588	0.3812	184,686,029	8,054
2018	0.6846	0.3519	185,111,143	10,382
2019	0.7330	0.2870	186,178,825	14,993
2020	0.7850	0.2850	186,070,474	17,517
2021	0.8384	0.2839	180,018,850	21,611
2022	0.7605	0.2995	200,655,886	43,026
2023	0.7648	0.2552	257,613,426	64,674
2024	0.7996	0.2551	283,363,231	154,280
2025( Year under audit)	0.7616	0.2831	299,375,606	
TOTALS				<u>\$ 376,928</u>

**EXHIBIT G-3**

Current Year's Total Levy	Maintenance Collections	Debt Service Collections	Entire Year's Adjustments	Ending Balance September 30
	(2,655)	(1,404)	(268)	38,064
	(633)	(366)	(197)	6,858
	(1,164)	(598)	(227)	8,393
	(3,314)	(1,298)	(357)	10,024
	(3,998)	(1,452)	(346)	11,721
-	(3,919)	(1,327)	(477)	15,888
-	(10,971)	(4,321)	(575)	27,159
	(17,983)	(5,999)	(1,409)	39,283
	(59,389)	(18,947)	(3,047)	72,897
2,934,614	(2,007,381)	(746,178)	(30,679)	150,376
<u>\$ 2,934,614</u>	<u>\$ (2,111,407)</u>	<u>\$ (781,890)</u>	<u>\$ (37,582)</u>	<u>\$ 380,663</u>

**EXHIBIT G-4**

City of Breckenridge, Texas  
 Statistics - Water and Wastewater Fund  
 For the year ended September 30, 2025  
 (Unaudited)

Number of water connections at end of year	2,260
Number of wastewater connections at end of year	1,955
Gallons of water billed through the system during the fiscal year	192,710,958

	2025	2024
<u>Outstanding Bonds and Certificates:</u>		
Combination Tax and Revenue Certificates of Obligation, Series 2012	\$ 435,000	\$ 485,000
Combination Tax and Revenue Certificates of Obligation, Series 2013	565,000	590,000
Combination Tax and Revenue Certificates of Obligation, Series 2014	1,845,000	1,905,000
Combination Tax and Revenue Certificates of Obligation, Series 2017A	684,000	698,000
Combination Tax and Revenue Certificates of Obligation, Series 2022A	2,770,000	2,855,000
Combination Tax and Revenue Certificates of Obligation, Series 2022B	2,195,000	2,260,000
	\$ 8,494,000	\$ 8,793,000

<u>Water and Wastewater Operating Income Available for Debt Retirement:</u>		
Net Operating Income	\$ 1,030,276	\$ 1,236,014
Net Nonoperating Interest Income	319,823	378,288
Add Depreciation and Amortization Expense	1,075,914	963,400
	\$ 2,426,013	\$ 2,577,702

<u>Annual Debt Service Requirements and Coverage:</u>		
Combination Tax and Revenue Certificates of Obligation, Series 2012	\$ 58,061	\$ 58,781
Combination Tax and Revenue Certificates of Obligation, Series 2013	36,615	36,965
Combination Tax and Revenue Certificates of Obligation, Series 2014	136,910	138,893
Combination Tax and Revenue Certificates of Obligation, Series 2017A	33,000	33,440
Combination Tax and Revenue Certificates of Obligation, Series 2022A	127,533	123,293
Combination Tax and Revenue Certificates of Obligation, Series 2022B	95,191	95,662
	487,310	487,034
Total Debt Service Requirements		
	\$ 487,310	\$ 487,034
Net System Fund Requirements		
	4.98	5.29
Coverage of Total System Fund Debt Service		

<u>Cash Available in Bond Sinking Funds</u>		
General Debt Service	\$ 354,919	\$ 204,855
Revenue Debt Service	38,830	38,224
	\$ 393,749	\$ 243,079

**EXHIBIT G-5**

CITY OF BRECKENRIDGE, TEXAS  
 Insurance in Force  
 September 30, 2025  
 (Unaudited)

	<u>Coverage</u>
Flood, Fire and Extended Coverage Buildings and Contents	\$ 19,630,184
Errors & Omission Liability	
Each Wrongful Act	1,000,000
Aggregate	2,000,000
Commercial General Liability	
Per Occurrence	1,000,000
Aggregate	2,000,000
Law Enforcement Personal Liability	
Each Wrongful Act	1,000,000
Annual Aggregate	2,000,000
Fidelity Bonds	
City Secretary	10,000
Finance Director	10,000
Other Public Employees not Excluded	10,000
City Manager	15,000
Accounts Payable/Payroll/Human Resources	10,000
Municipal Court Clerk	10,000
City Vehicles	
Liability/Uninsured Motorist	1,000,000
Combined Single Limit	25,000
Heavy Equipment	
Physical Damage	1,045,163
Crime	
Public Employee Dishonesty	5,000
Theft Disappearance & Destruction	5,000
Cyber Insurance	
Tower 1: Data & Network & Media Aggregate Limit of Liability	1,000,000
Tower 2: Aggregate Limit of Liability Coverage	250,000
Tower 3: Breach Response Aggregate Limit Coverage	150,000

This statement is prepared from the insurance policies. It is intended as a descriptive summary only and no expression of opinion as to the adequacy of the coverage is given. As the actual coverage per policy varies depending on the nature of the event and other factors, these dollar limitations reflect the approximate upper limitation of losses recoverable under the policies.

List of Insurance Carriers

<u>Company</u>	<u>Insurance Type</u>	<u>Expiration</u>
Texas Municipal League	Fire - Buildings and Contents	10/1/2025
Texas Municipal League	Commercial Auto	10/1/2025
Texas Municipal League	Flood	10/1/2025
Texas Municipal League	Public Officials Liability	10/1/2025
Texas Municipal League	Law Enforcement Liability	10/1/2025
CNA Surety Corporation	Fidelity Bond - City Secretary	4/25/2026
CNA Surety Corporation	Fidelity Bond - Finance Director	1/20/2026
CNA Surety Corporation	City Manager & Other Public Employees	1/20/2026
Texas Municipal League	Heavy Equipment	10/1/2025
CNA Surety Corporation	Fidelity Bond - Accounts Payable/PR/HR	12/20/2025
CNA Surety Corporation	Fidelity Bond - Municipal Court Clerk	1/20/2026

**OVERALL COMPLIANCE AND INTERNAL CONTROL  
SECTION**



**INDEPENDENT AUDITOR’S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS***

Members of the City Commission  
City of Breckenridge, Texas

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund and the aggregate remaining fund information of the City of Breckenridge, Texas (the “City”) as of and for the year ended September 30, 2025, and the related notes to the financial statements, which collectively comprise the City’s basic financial statements and have issued our report thereon dated January 27, 2026.

**Report on Internal Control over Financial Reporting**

In planning and performing our audit of the financial statements, we considered the City’s internal control over financial reporting (internal control) as a basis for determining audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City’s internal control. Accordingly, we do not express an opinion on the effectiveness of the City’s internal control.

*A deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity’s financial statements will not be prevented or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses or significant deficiencies may exist that were not identified.

**Report on Compliance and Other Matters**

As part of obtaining reasonable assurance about whether the City’s financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

**Purpose of this Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity’s internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity’s internal control and compliance. Accordingly, this communication is not suitable for any other purpose.



Weatherford, Texas  
January 27, 2026



## BRECKENRIDGE CITY COMMISSION AGENDA SUMMARY FORM

**Subject:** Discussion and any necessary action regarding adoption of Ordinance No. 2026-03 Repealing Existing Zoning Regulations in Chapter 22 of the Breckenridge Code of Ordinances and Enacting a new Chapter 22, Zoning, to Establish New Zoning Districts, New Zoning Regulations for Uses of Property in all Zoning Districts, and Adopt a New Zoning Map.

**Department:** Administration

**Staff Contact:** Cynthia Northrop

**Title:** City Manager

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### BACKGROUND INFORMATION:

The City of Breckenridge received a grant in 2022 to update its Comprehensive Development Plan, which had not been updated since the 1960s. After months of meetings, including public meetings, P&Z, and City Commission meetings, the P&Z recommended approval, and the City Commission adopted the updated Comprehensive Development Plan (July 2024). The next step in that process is the updating of our Comprehensive Zoning Ordinance. The City has hosted two public meetings, P&Z has discussed the Zoning Update several times, and as held two Public Hearings (January 5, 2026 and February 2, 2026).

After reviewing several options, P&Z is recommending City Commissioner approval of Option 1 Zoning Map to be included in the new Chapter 22: Zoning, that establishes new zoning districts, new zoning regulations for uses of property in all zoning and adopts a new zoning map.

Much of their deliberations have centered on the sum acreage allowed for Manufactured Housing.

Currently, MHs are allowed in Residential 4 (R4) and all commercial zoning. Based on best practices for zoning and in alignment with our updated Comprehensive Development Plan and our Strategic Plan to beautify Breckenridge as well as to provide housing diversity, like uses and paying attention to graduating uses (i.e., commercial or industrial not right next to residential areas, generally) we are separating out residential uses; Single Family, Duplex, Townhomes, Manufactured homes.

Sum Acreage by zoning class (MH)

By number of potential lots

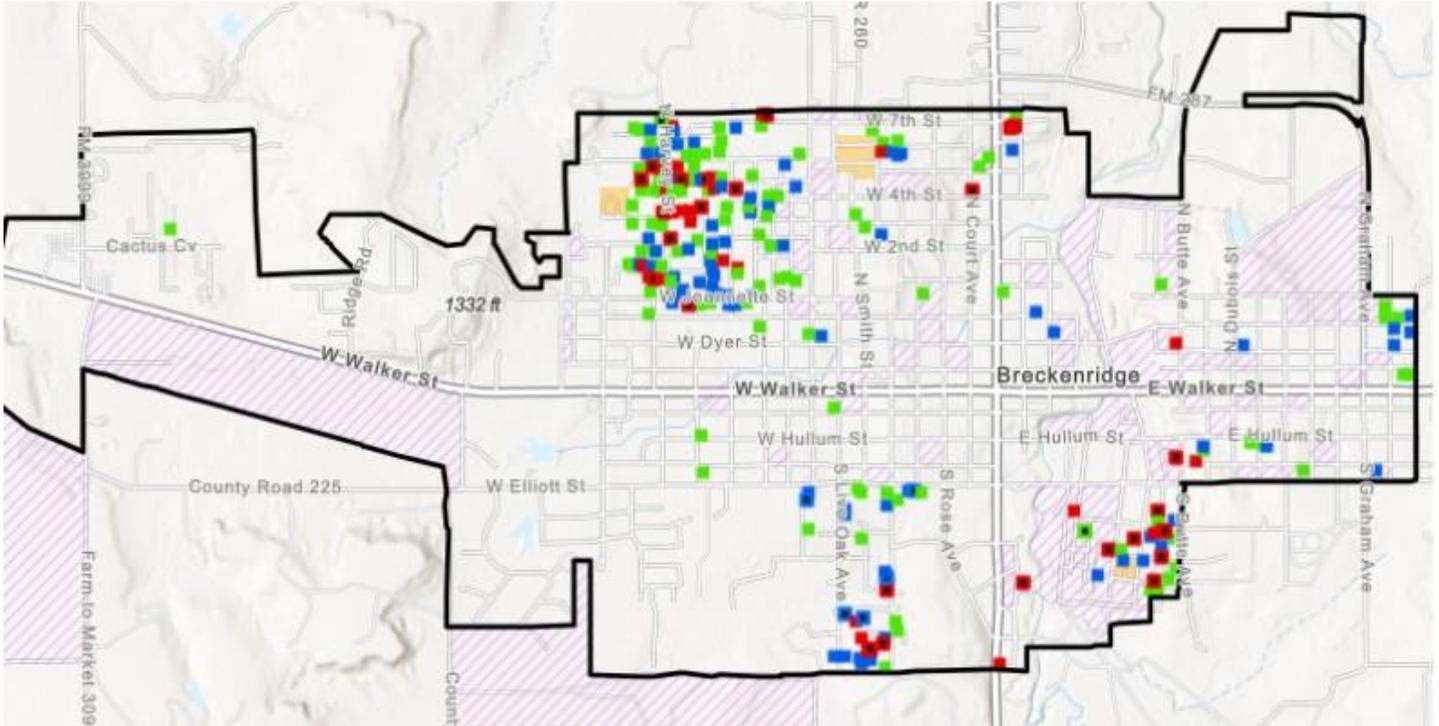
- Current – 4.34%
- Option 1 2.45%
- Option 2 – 5.88%
- Option 3 – 9.73%

- Current – 236 lots
- Option 1 – 296 lots (increase of 60 potential lots available)
- Option 2 – 710 lots (increase of 474 potential lots available)
- Option 3 – 1176 lots (increase of 940 potential lots available)

The following map is a heat map (included in our Comprehensive Development Plan) of existing MH. The color code legend is as follows:

Green = Standard  
Blue = Deteriorated  
Red = Dilapidated  
(those colors with sold black square in the color denote vacant)

At the time of the onsite inventory conducted by Public Management, there were a total of 236 MH; of those 103 were in standard condition, 74 were in deteriorated condition and 24 were dilapidated condition.



**FINANCIAL IMPACT:**

NA

**STAFF RECOMMENDATION:**

Consider approval of P&Z's recommendation to adopt Ordinance 2026-03 as presented.

CITY OF BRECKENRIDGE, TEXAS  
ORDINANCE NO. 2026-03

ZONING ORDINANCE

AN ORDINANCE OF THE CITY OF BRECKENRIDGE, TEXAS, REPEALING AND REPLACING CHAPTER 22 “ZONING” OF THE BRECKENRIDGE CODE OF ORDINANCES TO ADOPT A NEW COMPREHENSIVE ZONING ORDINANCE AS CHAPTER 22; ESTABLISHING AND PROVIDING FOR ZONING REGULATIONS AND CREATING ZONING DISTRICTS IN ACCORDANCE WITH THE COMPREHENSIVE PLAN FUTURE LAND USE MAP; WITHIN SUCH DISTRICTS REGULATING THE USE OF LAND, BUILDINGS AND STRUCTURES; REGULATING THE HEIGHT, SIZE AND LOCATIONS OF BUILDINGS; ESTABLISHING DENSITY RESTRICTIONS, OPEN SPACE, SCREENING AND MINIMUM OFF-STREET PARKING REQUIREMENTS; REGULATING THE CONSTRUCTION, REPAIR AND ALTERATION OF ALL BUILDINGS AND STRUCTURES; PROVIDING FOR CONDITIONAL USE PERMITS FOR CERTAIN USES; RECOGNIZING NONCONFORMING USES AND STRUCTURES AND PROVIDING RULES FOR THE REGULATION THEREOF; ESTABLISHING PROCEDURES FOR APPOINTMENTS TO A PLANNING AND ZONING COMMISSION AND DEFINING ITS POWERS AND DUTIES; CREATING A BOARD OF ADJUSTMENT AND SETTING FORTH RULES FOR ITS ORGANIZATION, JURISDICTION AND POWERS; DEFINING CERTAIN TERMS AS USED WITHIN THIS ORDINANCE; PROVIDING A METHOD OF AMENDMENT; PROVIDING FOR PUBLICATION; PROVIDING A PENALTY FOR VIOLATION OF SUCH ORDINANCE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH AND EVERY OFFENSE AND FOR INJUNCTIVE RELIEF; PROVIDING SEVERABILITY AND REPEALER CLAUSES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in order to promote the utilization of land in a manner to assure the best possible community environment in accordance with the Comprehensive Plan of the City of Breckenridge, Texas; and

WHEREAS, the City of Breckenridge, Texas (the “City”) is a home rule city operating pursuant to its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code;

WHEREAS, the City is authorized and empowered to adopt zoning regulations to promote the utilization of land within the City in a manner to assure the best possible community environment in accordance with the Comprehensive Plan of the City, pursuant to Section 3.30 of the City’s Charter and Chapter 211 of the Texas Local Government Code;

WHEREAS, pursuant to this authority, the City Commission of the City (the “City Commission”) has adopted comprehensive zoning regulations and an official zoning map in Chapter 22 “Zoning” of the Breckenridge Code of Ordinances;

WHEREAS, the City has obtained the assistance of Public Management to prepare an updated Comprehensive Plan, an updated Zoning Map, and a comprehensive update to Chapter 22 to generally modernize the City's zoning regulations; and

WHEREAS, the City Commission has determined that the adoption of this ordinance is in the best interest of the health, safety, and welfare of its residents.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS, that:

I. Findings Incorporated. All of the above premises are found to be true and correct findings of the City Commission and are incorporated into the body of this Ordinance as if fully set forth herein.

II. Repeal of Chapter 22. Chapter 22 "Zoning" of the Breckenridge Code of Ordinances is hereby repealed.

III. Adoption of Chapter 22. The provisions attached to this Ordinance as **Exhibit "A"** are hereby adopted as the new Chapter 22 "Zoning" of the Breckenridge Code of Ordinances to read as provided therein.

IV. Repeal. All ordinances or parts of ordinances not consistent, or conflicting with, the provisions of this ordinance are hereby repealed; provided that such repeal shall be only to the extent of such inconsistency, and in all other respects, this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this ordinance. Any cause of action accruing prior to the passage of this ordinance shall continue as if this ordinance was not passed or any other ordinance had not been repealed.

V. Severability. That it is hereby declared that the sections, articles, subsections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and if any phrase, clause, sentence, paragraph, subsection, article, or section of this ordinance shall be declared void, ineffective, or unconstitutional by a valid judgment or final decree of a court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, articles, or sections of this ordinance since the same would have been enacted by the City Commission without the incorporation herein of any such void, ineffective, or unconstitutional phrase, clause, sentence, paragraph, subsection, article, or section.

VI. Effective Date. This Ordinance shall take effect upon adoption by the City Commission after publication as required by the City Charter and State law.

PASSED AND APPROVED on this the 10th day of February, 2026 by the City Commission of the City of Breckenridge, Texas,

\_\_\_\_\_  
Bob Sims, Mayor

ATTEST:

\_\_\_\_\_  
Jessica Sutter, City Secretary

# EXHIBIT "A"

## CHAPTER 22 – ZONING

### ARTICLE I: IN GENERAL

#### SECTION 1: ADMINISTRATIVE CLAUSES

**A. Authority:** This Chapter is adopted under the authority of Chapter 211, Texas Local Government Code, of the State of Texas, to promote health, safety, and morals, and for the protection and preservation of places and areas of historical and cultural importance and significance, or the general welfare of the community, and the legislative body is empowered to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of the yards, courts and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purpose; and, in the case of designated places and areas of historic and cultural importance, to regulate and restrict the construction, alteration, reconstruction or razing of buildings and other structures.

**B. Purpose:** These zoning regulations are made in accordance with the spirit of the comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public necessities. These regulations are made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

**C. Administration, Enforcement And Fees:**

(1) ADMINISTRATION - The City Manager, or designee, is hereby designated by the City Commission as the administrative official to supervise the administration and enforcement of this Chapter. If the administrative official finds that any of the provisions of this Chapter are being violated, the official shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The City Manager, or designee, shall order discontinuance of illegal use of land, buildings, or structures, removal of illegal buildings or structures or of illegal additions, alterations, or structural changes, discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

(2) INTERPRETATION AND APPEALS - It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the administrative official, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the administrative official, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law.

(3) CITY COMMISSION DUTIES - It is further the intent of this Chapter that the duties of the City Commission in connection with this Chapter shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this Chapter. Under this Chapter, the City Commission shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Chapter, as provided by law, and, of establishing a schedule of fees and charges as stated in subsection (4) here below.

(4) FEES - The City Commission shall, by ordinance, establish a schedule of fees, charges, and expenses and a collection procedure for administration, permits, certificates of occupancy, zoning change requests, Board of Adjustment appeals and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the zoning administrative official, and may be altered or amended only by action of the City Commission. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

**D. Compliance With Regulations** - The regulations set by this Chapter within each district shall be minimum regulations and shall apply uniformly to each class and kind of structure or land, except as hereinafter provided.

(1) No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, repaired, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located or be subject to penalties as per this ordinance and other such civil remedies as provided for by law.

(2) No building or other structure shall hereafter be erected or altered to exceed the height or size, to accommodate or house a greater number of families or occupants, or to occupy a greater percentage of lot area than that specified herein for the district in which it is located.

(3) No building or other structure shall have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any other manner contrary to the provisions of this Chapter.

(4) No part of a yard, other open space, off-street parking or loading space, required about or in connection with any building for the purpose of complying with this section, shall be included as a part of a yard, open space, off-street parking, or loading space similarly required for any other building.

**(5) COMPLIANCE WITH OTHER ORDINANCES**

(a) In addition to the zoning regulations delineated herein all development, construction, land uses, structures and building occupancies shall comply with all other applicable ordinances, codes, and regulations as adopted or amended including Local, State and Federal statutes.

(b) Other ordinances and regulations may include but are not limited to:

- (i) Comprehensive Plan and Future Land Use Map
- (ii) Thoroughfare Plan

- (iii) Subdivision Regulations
- (iv) Adopted Building Codes including local amendments
- (v) Drainage Ordinance
- (vi) Fence Ordinance
- (vii) Sign Ordinance
- (viii) Fee Schedule
- (ix) Animal Control Ordinance
- (x) Texas Commission on Environmental Quality (TCEQ) Rules
- (xi) Federal Emergency Management Administration (FEMA) regarding floodplain development or permitted uses.

(c) In the case of a conflict between this ordinance and any other ordinance, code, regulation or statute this ordinance shall prevail except when specifically preempted by said ordinance.

## SECTION 2: GENERAL PROVISIONS

A. OFFICIAL ZONING MAP - The City is hereby divided into zones, or districts, as shown on the official zoning map, which together with all explanatory matter thereon, is in existence and is hereby adopted and declared to be a part of this ordinance.

B. MAP CERTIFIED - The official zoning map shall be identified by the signature of the Mayor, attested by the City Secretary, and bearing the seal of the City under the following words: "This is to certify that this is the official zoning map adopted as part of Ordinance No. 2026-03 of the City of Breckenridge, Texas".

C. LOCATION OF MAP - The official zoning map shall be in the custody of, and shall remain on file in the office of, the City Secretary.

D. PUBLIC INSPECTION OF MAP - The official zoning map, or a copy, shall be available for public inspection for all matters which are of public record.

E. AMENDMENT OF OFFICIAL ZONING MAP - When changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the City Commission.

F. OFFICIAL ZONING MAP REPLACEMENT - The City Commission may, by ordinance, adopt a new official zoning map should the original reproducible tracing of the official zoning map be damaged, destroyed, lost or become ambiguous because of the nature or number of changes and additions. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the mayor, attested by the City Secretary, and bearing the seal of the City under the following words: "This is to certify that this official zoning map supersedes and replaces the official zoning map adopted (date of adoption of map being replaced) as a part of the Zoning Ordinance of the City of Breckenridge, Texas."

G. INTERPRETATION:

(a) When the district boundaries are highways, roadways, streets, or alleys, unless otherwise shown, and where the designation of the district map indicates that the various districts are bounded by a highway, roadway, street line or alley, the center line of such rights-of-way shall be construed to be the district boundary line.

(b) Where the district boundaries are not otherwise indicated and where property has been subdivided into lots and blocks, the subdivision boundaries shall be construed to be the boundary of the district.

(c) Where the district boundaries are not otherwise indicated for un-platted property, the district boundaries are property lines, city limit boundaries, or other established or natural boundary.

(d) Where district boundaries are disputed or not otherwise clearly designated, or where the physical or structural features are at variance with the official zoning map, or in other circumstances not covered in this section, the dispute shall be processed as a routine amendment to the Zoning Ordinance in which after the required public notices are given and a public hearing conducted, the City Commission shall determine the district boundaries.

(e) Where a development or existing use is divided by a boundary line of another jurisdiction or city limits boundary with a different zoning classification or no zoning classification the physical 911 address shall determine which zoning classification applies, otherwise, the Planning and Zoning Commission shall make a recommendation to the City Commission who shall then make a final determination of zoning classification of that portion within the jurisdiction of the City of Breckenridge.

(8) RULES FOR WORDS AND PHRASES - For the purposes of this Chapter, words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number; the word "shall" is mandatory, not directory; the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, foundation, company, or corporation, as well as, an individual; the word "used" includes designed and intended or arranged to be used; the word "building" includes the word "structure"; the word "lot" includes "building lot" or parcel. Wherever this ordinance imposes a greater restriction than imposed by other ordinances, laws, or regulations, the provisions of this ordinance shall govern.

(9) STRUCTURES TO HAVE ACCESS - Every building, hereafter erected or moved, shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

H. Violation and Penalties - The owner or general agent of a building, premises, lot or parcel where a violation of any provision of the regulations of this ordinance has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee, or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall

exist shall be guilty of a misdemeanor punishable by a fine of not more than two thousand dollars (\$2,000.00) per offense, and each day any violation of non-compliance continues shall constitute a separate and distinct offense.

# ARTICLE II: ZONING PROCEDURES & ADMINISTRATION

## SECTION 3: NONCONFORMING USES AND STRUCTURES

### A. INTENT OF PROVISIONS:

- (1) Within the districts established by this Chapter or amendments thereto, there may exist lots, structures, uses of land and structures in combination, and characteristics of use which were lawfully in existence and operating before this Chapter was enacted, amended or otherwise made applicable to such lots, structures or uses, but which would be prohibited, regulated or restricted under the terms of this ordinance and do not now conform to the regulations of the district in which they are located. It is the intent of this Chapter to permit such nonconforming uses to continue, as long as the conditions within this Section and other applicable sections of the Chapter are met.
- (2) It is further the intent of this Chapter that nonconforming uses shall not be enlarged upon, added, expanded or extended, and shall not be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- (3) The prohibition of the expansion, addition, enlargement or extension of nonconforming uses above shall also apply to all signage attached to structures or freestanding on the premises intended to be visible from off the premises.
- (4) Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.

### B. NONCONFORMING STATUS:

- (1) Any use, platted lot or structure which does not conform with the regulations of this Chapter on the effective date hereof or any amendment hereto, except as expressly provided in Subsection (3) below, shall be deemed a nonconforming use, platted lot or structure provided that:
  - (a) Such use, platted lot or structure was in existence under and in compliance with the provisions of the immediately prior zoning ordinance; or
  - (b) Such use, platted lot or structure was a lawful, nonconforming use, platted lot or structure under the immediately prior zoning ordinance; or
  - (c) Such use, platted lot or structure was in existence at the time of annexation into the City, was a legal use of the land at such time, and has been in regular and continuous use since such time.
  - (d) To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in plans, construction, or designated use of any building on which a valid permit has been issued and is in good standing.

(2) Any other use, platted lot or structure which does not conform with the regulations of the zoning district in which it is located on the effective date of this Chapter or any amendment hereto, and except as provided in Subsection (3) below, shall be deemed to be in violation of this Chapter, and the City shall be entitled to enforce fully the terms of this Chapter with respect to such use, platted lot or structure.

(3) The following types of platted lots shall be deemed in conformance with the provisions of this Chapter, notwithstanding the fact that such lot does not meet the standards of this Chapter in the district in which it is located:

(a) Any vacant lot that conformed to the City’s zoning district regulations at the time that it was platted; or

(b) Any lot occupied by a single-family dwelling authorized under the zoning district regulations in which the lot is located.

(c) Qualifying exemptions as provided for in Chapter 245.004 of the Texas Local Government Code as amended.

(d) Notwithstanding any qualified exemption provided for herein or by State Law variances may be required which shall only be granted by the Board of Adjustment in accordance with this ordinance.

(e) Lots located partially or wholly within the 100 year floodplain shall be considered nonconforming and shall be developed only in compliance with State, Federal or local regulations.

C. CONTINUING LAWFUL USE OF LAND AND STRUCTURES:

(1) A nonconforming use or structure may continue to be used, operated or occupied in accordance with the terms of the zoning regulations by which it was established, or in the case of annexed property, in accordance with the regulations under which it was created.

(2) A nonconforming structure occupied by a nonconforming use may be re-occupied by a conforming use, following abandonment of the nonconforming use.

(3) A lawful use which becomes nonconforming by the adoption of this Chapter which was operating under a valid Conditional Use Permit issued prior to the adoption of this Chapter may continue such use under those conditions as specified by the Conditional Use Permit.

(4) The Board of Adjustment shall not have the authority to grant conforming status to a nonconforming use as this shall be considered a zoning change which shall be considered by the Planning and Zoning Commission and City Commission in accordance with the procedures delineated in Section 4 of this Chapter.

D. ABANDONMENT OF NONCONFORMING USES AND STRUCTURES, AND CESSATION OF USE OF STRUCTURE OR LAND:

(1) If a nonconforming use or structure is abandoned, any future use of the premises shall be in conformity with the provisions of this Chapter, as amended, and with any other

applicable City codes or ordinances that are in effect at the time the use is resumed or the structure is re-occupied.

(2) A nonconforming use or structure shall be deemed “abandoned” in the following circumstances:

- (a) The use ceases to operate for a continuous period of six (6) months (i.e., 180 calendar days);
- (b) The structure remains vacant for a continuous period of six (6) months (i.e., 180 calendar days); or
- (c) In the case of a temporary use, the use is moved from the premises for any length of time.
- (d) The disconnection or cessation of utility services for the applicable period of time shall be prima facie evidence of abandonment.

E. CHANGING NONCONFORMING USES:

- (1) A nonconforming use shall not be changed to another nonconforming use.
- (2) A nonconforming use may be changed to a conforming use provided that, once such change is made, the use shall not be changed back to a nonconforming use.
- (3) A conforming use located in a non-conforming structure may be changed to another conforming use, but shall not be changed to a nonconforming use.

F. EXPANSION OF NONCONFORMING USES AND STRUCTURES:

- (1) A nonconforming use may be extended throughout the structure in which it is located, provided that:
  - (a) The structure or its premises shall not be enlarged or increased in height, in floor area or in land area to accommodate extension of the nonconforming use;
  - (b) No alteration shall be made to the structure occupied by the nonconforming use, except those alterations that are required by law to preserve the integrity of the structure and alterations that would upgrade the quality, safety or aesthetic appeal of the structure; and
  - (c) The number of dwelling units occupying the structure shall not exceed the number of dwelling units existing at the time the use became nonconforming.
- (2) A non-conforming use occupying a structure shall not be extended to occupy land outside the structure.
- (3) A nonconforming use or structure shall not be enlarged, increased or extended to occupy a greater area of land than was occupied at the time the use or structure became nonconforming, except to provide additional off-street parking or loading areas required by this Ordinance.

G. RECONSTRUCTION OR REPAIR OF NONCONFORMING STRUCTURE:

- (1) If sixty percent (60%) or more of the total appraised value, as determined by the County Appraisal District, of a nonconforming structure is destroyed by fire, the elements, or some other cause, then the structure may be rebuilt only in conformity with the standards of this Ordinance.
- (2) If less than sixty percent (60%) of the total appraised value, as determined by the County Appraisal District, of a nonconforming structure is destroyed by fire, the elements, or some other cause, then the structure may be reconstructed as it was before the partial destruction but only to its original dimensions and floor area, and provided that such reconstruction is completed within one (1) year (i.e., 365 calendar days) following the event that caused the partial destruction. If reconstruction is delayed by contested insurance claims, litigation, or some other similar cause, then the one-year reconstruction period may be extended by the City Commission based on a written estimate by the contractor of record of an estimated completion date.
- (3) If a nonconforming structure that is totally or partially destroyed was occupied by a nonconforming use at the time of such destruction, then the nonconforming use may be re-established subject to the limitations on expansion set forth in Subsection F. above.
- (4) Any conforming structure that is totally or partially destroyed shall be reconstructed only in conformity with the standards of this Chapter and the then-current building codes.
- (5) Nothing in this Chapter shall be construed to prohibit the upgrading, strengthening, repair or maintenance of any part of any structure, conforming or nonconforming, that is declared unsafe, substandard or uninhabitable by the proper authority, unless such repairs or maintenance are estimated to exceed sixty percent (60%) of the structure's appraised value, as determined by the County Appraisal District, at which point the entire structure and all repairs and maintenance shall be reconstructed in conformity with the standards of this ordinance. Cost estimate documentation (bids) shall be submitted with the building permit application in order to verify compliance with this section.

H. MOVING OF NONCONFORMING STRUCTURES:

- (1) No nonconforming structure or building shall be moved in whole or in part to any other location on the lot, or to any other location or lot within the city, unless every portion of such structure is in compliance with all the regulations of the zoning district wherein the structure is to be relocated. Such building relocation shall also require a structure relocation permit from the City, and may also require platting of the intended building site pursuant to Chapter 18 of this Code as well as approval of a building permit application in accordance with building permit requirements and adopted codes.
- (2) **Manufactured Housing.** Upon the adoption of this Chapter, existing manufactured housing located in any zoning district other than the Manufactured Home Subdivision (MH-6) District and all mobile homes are hereby declared to be nonconforming structures. No new or used manufactured homes shall be moved into the city or moved from one location in the city to another location and placed upon a lot which is not located in a platted Manufactured Home Subdivision (MH-6). **EXCEPTION:** If an existing manufactured home or mobile home is rendered nonconforming by the adoption of this ordinance it may be

replaced on a one time basis only by a new “double-wide” manufactured home with a minimum of 1,200 square feet regardless of the district it is located in.

I. NONCONFORMING LOTS:

(1) Nothing in this Chapter shall be construed to prohibit the use of a lot that does not meet the minimum lot standards of the zoning district in which it is located, provided that the lot is zoned for the land use(s) intended and the lot was platted as a lot of record prior to the effective date of this Chapter. See Subsection B.(3).c. above.

(2) Nothing contained in this Section is intended to alter any rights that may have accrued to proceed under prior regulations, pursuant to Texas Local Government Code Section 43.002, or Sections 245.001 to 245.006.

# SECTION 4: ZONING CHANGE & AMENDMENT PROCEDURES

## A. GENERAL

The zoning regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified or repealed. Such amendments, supplements, changes, modification, or repeal shall be deemed to amend, supplement, change, modify, or repeal the Comprehensive Plan of the City and shall become a part of such Comprehensive Plan and Future Land Use Map and other such applicable exhibits or attachments thereto. All applications shall be made to the Planning and Zoning Commission whose composition and duties are established by the City Commission as set forth in Chapter 2 of this Code. All zoning change requests, proposals or applications shall be in accordance with the Comprehensive Plan by State Law.

## B. AMENDMENT INITIATION

An amendment to this ordinance may be initiated by:

- (1) City Commission on its own motion;
- (2) Planning and Zoning Commission; or
- (3) Request by owner or agent of owner of property to be changed.

## C. PROCEDURE

All requests for amendments to zoning district boundaries shall be submitted, together with required fees, to the administrative official, which officer shall cause notices to be sent and the petition placed on the Planning and Zoning Commission agenda.

The City Commission may not enact any proposed amendment until the Planning and Zoning Commission makes its final report to the City Commission. The City Commission may refer proposed amendments to the Planning and Zoning Commission for recommendation. Requests for changes in zoning districts shall include the proposed designation or designations for the area concerned. Alternative proposals may be made at the time of filing the original request for amendment; however, all hearings and deliberations shall be limited to the request as submitted by the applicant at the time of original filing.

## D. PUBLIC HEARING AND NOTICE

Prior to making its report to the City Commission, the Planning and Zoning Commission shall hold at least one (1) public hearing thereon. Publication of a Public Hearing Notice shall be made in the official newspaper of record before the fifteenth (15<sup>th</sup>) day before the day of the hearing according to State Law. Written notice of all public hearings on proposed changes in district boundaries or zoning classifications shall be sent not less than ten (10) days before such hearing is held to all owners of property which is located within the area proposed to be changed, within two hundred feet (200') of such property or within two hundred feet (200') of any other adjacent property under the same ownership as the tract to be rezoned. Measurements shall be taken inclusive of public streets. Such notice may be served by using the last known address as listed on the City tax roll and depositing the notice, postage paid, in the United States Mail.

## E. PLANNING AND ZONING COMMISSION REPORT

The Planning and Zoning Commission, after the public hearing is closed, shall vote on its recommendations on the proposed change to be sent in a report to the City Commission. Such report may recommend for or against such proposed change and may but need not include reasons for such decision. The Planning and Zoning Commission may defer its report for not more than sixty (60) days until it has had opportunity to consider other proposed changes which may have a direct bearing thereon. If the Planning and Zoning Commission fails to finally report after sixty (60) days, it would be deemed to have recommended negatively to the proposal.

F. FORWARDING FINAL REPORT

Every proposal, receiving a final report by the Planning and Zoning Commission, shall be forwarded to the City Commission for setting and holding of public hearing thereon. No change, however, shall become effective until after the adoption of an ordinance for same and its publication as required by law.

G. WITHDRAWAL

Any proposal or application may be withdrawn by the proponent after the Planning and Zoning Commission makes its final report, and such proposal or application shall not be subject to the provision hereof that a period of time must pass before a new application is considered. If such proposal is withdrawn, the City Commission will not consider it. Any proposal or application withdrawn may be resubmitted and shall be subject to all fees and notice requirements as an original application.

H. CITY COMMISSION HEARING AND NOTICE

The City may, from time to time, amend, supplement, or change by ordinance the boundaries of the districts or the regulations herein established. A public hearing on such amendment, supplement, or change shall be held by the City Commission. Notice of City Commission hearing shall be given by publication one (1) time in the official newspaper of the City, stating the time and place of such hearing, which time shall be before the fifteenth (15th) day before the date of the first public hearing. No such amendment, supplement, or change shall be considered unless and until the Planning and Zoning Commission makes its final report thereon. Publication of such change shall be accomplished by publishing the descriptive caption and penalty clause of the ordinance amending the Comprehensive Zoning Ordinance and/or Official Zoning Map to incorporate the change.

I. APPLICATION NOT TO BE CONSIDERED FOR ANOTHER TWELVE MONTHS AFTER DENIAL OF REQUEST FOR REZONING

No application for rezoning shall be reconsidered within twelve (12) months of denial of a request by the City Commission for the same classification on the same property.

J. PROTEST AGAINST CHANGE

In case of a protest against such change, signed by the owners of twenty percent (20%) or more either of the land included in such proposed change, or of the land within two hundred feet (200') thereof, including any intervening public street, such amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all the members of the City Commission.

K. COMMISSION ACTION ON APPLICATION

The proponent of any zone change shall satisfy the City Commission that either the general welfare of the City affected by the area to be changed will be enhanced, or that the property is unusable for the purposes allowed under existing zoning. If such is proved to the City Commission's satisfaction, it may grant the requested zone change; or it may change the zone's designation of a portion of such property; or it may initiate a request to consider changing all or a portion of such property to a district other than that requested and of a different character.

L. SITE PLAN AND SUPPORTING DOCUMENTS REQUIRED; PETITION FOR ZONING DISTRICT CHANGE OR CONDITIONAL USE

When in the opinion of the Planning and Zoning Commission or the City Commission that greater information is required from the petitioner concerning the nature, extent, and impact of his or her request than supplied with his or her application for a change in zoning or conditional use permit, in order for the application to be properly reviewed and evaluated, the Planning and Zoning Commission or City Commission may require the applicant to submit a site plan and supporting documents conforming with all or a portion of the requirements set forth in this subsection, prior to rendering a decision thereon.

The petitioner is encouraged to meet with City staff to ascertain the exact extent of plans and documents required, if any, prior to the City initiating the advertisement for public hearing on the petition.

The general type and extent of plans and supporting documents which may be required of the petitioner include, but are not necessarily limited to:

(1) **Site Plan**

A site plan meeting all of the requirements of a "preliminary plat", as described in Chapter 18 of this Code, must be submitted, except that topographic and drainage map information provisions may be waived by the City when the inclusion of such data would not materially contribute to the necessary evaluation of the project's petition. Additional site plan drawing information which the City may require include:

- (a) Existing and proposed zoning district;
- (b) General outline of extensive tree cover areas;
- (c) Drainage ways and 100-year flood plain limits;
- (d) Proposed treatment for screening the perimeter of the land embraced by the petition, including screening of internal separations of land use where required;
- (e) Locations and dimensions of primary and secondary vehicular ingress and egress drives and entrances including fire lanes, parking spaces and loading areas.
- (f) Show all existing perimeter roadways and label adjacent land uses. Provide a location map of the project of its relative location in the city. Provide a scale and north arrow for orientation purposes.

- (g) Location, type, dimensions and proposed uses of all structures on the site.
- (h) Proposed internal, non-vehicular circulation linkages, such as, pedestrian paths and hiking trails, bicycle trails, and equestrian bridle paths, where applicable, including their interrelationships with vehicular circulation systems and proposed handling of points of conflict;
- (i) A tabular summary schedule indicating:
  - (i) The gross acreage and percent of each type of zoning category proposed;
  - (ii) The gross acreage and percent of each type of land use proposed, with streets and open space categories listed separately, and residential uses further stratified as to type, i.e., single family, two-family, multi-family townhouse, etc., including the total gross project acreage;
  - (iii) The gross residential density of each type of residential land use proposed, expressed in dwelling units per acre; and based on net residential land use plus one-half (1/2) of any abutting street;
  - (iv) The quantitative number of dwelling units proposed for each residential dwelling type (i.e., single family, two-family, etc.);
  - (v) Proposed maximum lot coverage by building types (i.e., SF, TH or MF, commercial, office, industrial, etc.) expressed in terms of percent or floor area ratio of the lot or site.

## (2) Architectural Drawings

Elevations, concept sketches, or renderings depicting building types and other significant proposed improvements including the treatment and use of open spaces, etc., where the submission of such drawings would more clearly portray the nature and character of the applicant's land use and development proposals.

## (3) Written Documents

In narrative form on 8 ½" X 11" sheets:

- (a) Statement(s) on planning objectives to be achieved in use/development proposal, including a narrative description of the character of the proposed development and rationale behind the assumptions and choices made by the applicant, including use and ownership of open spaces, etc.;
- (b) Legal description of the total site area proposed for rezoning, development, or conditional use permit;
- (c) A development schedule indicating the approximate dates(s) when construction of the proposed development, and subsequent stages or phases thereof, if any, can be expected to begin and be completed, to the best of the applicant's knowledge and belief;
- (d) A full legal description of the present and proposed ownership of the site or

parcels thereof embraced by the application;

(e) Economic feasibility and/or market analysis studies, when deemed necessary by the reviewing body to adequately assess the necessity for zoning certain parcels to the sizes indicated by the applicant, or to evaluate the need for granting a conditional use permit;

(f) Environmental assessment statement, prepared pursuant to the National Environmental Policy Act of 1969, and any subsequent amendments thereto, when required by law to properly assess the impact of the proposed development/land use on the existing environment;

(g) Statement(s) as to how and when the applicant proposes to provide water and sewer to the development; and

(h) Signature, title, and date of the applicant, at the conclusion of the written documents certifying the information presented in the plans and supporting documents reflecting a reasonably accurate portrayal of the general nature and character of the proposals.

# SECTION 5: ZONING UPON ANNEXATION

## A. ANNEXED TERRITORY TO BE ZONED AG

All territory, hereafter annexed to the City, shall be temporarily classified as Agricultural (AG) District until permanent zoning is established by the City Commission, except as provided in Section 5.C below. The procedure for establishing permanent zoning on annexed territory shall conform to the procedure established by law for the adoption of the original zoning regulations.

## B. REGULATIONS FOR TEMPORARY AG DISTRICTS

In an area temporarily classified as AG:

- (1) No person shall erect, construct or add to any building or structure, or cause same to be done in any newly annexed territory, without first applying for and obtaining a building permit or certificate of occupancy from the City, as required herein.
- (2) No permit for the construction of a building or use of land shall be issued other than a permit which will allow construction of a building permitted in AG district(s), unless and until, such territory has been classified in a zoning district other than an agricultural district.
- (3) An application for a permit for any use, other than that specified above, shall be made to the administrative official and referred to the Planning and Zoning Commission for consideration and recommendation to the City Commission. The Planning and Zoning Commission, in making its recommendation, shall take into consideration the appropriate land use for the area and the adopted Comprehensive Plan for the City. The City Commission, after receiving and reviewing the recommendations of the Planning and Zoning Commission may, by majority vote, authorize the issuance of a building permit or certificate of occupancy, or may disapprove the application as their findings may indicate appropriate in the public interest.

## C. CONCURRENT REZONING AND ANNEXATION

Application(s) for permanent zoning of a newly annexed area may be considered by the City at the same time as the area is being considered for annexation provided that sufficient detail has been submitted to fully assess and vet the impact and quality of the development.

# ARTICLE III: ZONING DISTRICT REGULATIONS

## SECTION 6: DISTRICTS ESTABLISHED

A. For the purpose of this ordinance, the City is hereby divided into fourteen (14) Zoning Districts and two (2) Overlay and Special Districts as follows:

### ZONING DISTRICTS:

- AG Agricultural District
- SF 5.0 Single-Family Residential – 5,000 square foot lots
- SF 6.0 Single-Family Residential – 6,000 square foot lots
- SF 7.5 Single-Family Residential - 7,500 square foot lots
- SF 10.0 Single-Family Residential - 10,500 square foot lots
- SF 15.0 Single-Family Residential - 15,000 square foot lots
- TH Townhouse Residential – Maximum 12 Units/Acre
- DUP Two Family Residential
- MF Multiple Family Residential – Maximum 36 Units/Acre
- MH Manufactured Home Subdivision – 7,500 sq. ft. Lot Minimum
- C General Commercial District
- R Retail District
- DT Downtown Business District
- REC Recreational Commercial District
- I Industrial District
- LI Light Industrial District

### OVERLAY AND SPECIAL DISTRICTS:

- PD Planned Development District
- CUP Conditional Use Permit

### B. FLOODPLAIN DESIGNATION OVERLAY

Notwithstanding the foregoing, there may be areas known as a "FP" floodplain district, which may be coextensive with, or overlap any or all of the foregoing districts, or portions thereof, and any tract of land or portion thereof may, at the same time, be zoned for the uses in one of the foregoing district and be zoned FP" floodplain.

Where a tract of land or portion thereof is zoned for the uses of one of the foregoing districts and also has a "FP" floodplain designation, the restrictions contained in the "FP" floodplain district shall be applicable to said tract or portion thereof and shall take precedence over the other zoning districts where Federal and State Laws apply.

## TABLE 6-1 - SUMMARY OF ZONING DISTRICT REGULATIONS

This is a chart for general comparison purposes only and is incomplete.  
For complete requirements see the body of the Zoning Ordinance.

District	Minimum Lot Area	Minimum Dwelling Unit Size	Minimum Lot Width	Minimum Lot Depth	Minimum Front Yard	Minimum Rear Yard*	Minimum Side Yard*	Max. Height of Building	Maximum Impervious Cover
<b>AG</b>	3 Acre	2,000 Sq. Ft.	200 Ft.	250 Ft.	60 Ft.	50 Ft.	25 Ft.	3 stories/ 45 Ft.	30%
<b>SF 5.0</b>	5,000 Sq. Ft.	900 Sq. Ft.	55 Ft.	80 Ft.	20 Ft.	20 Ft.	5 Ft.	2.5 stories/ 36 Ft.	70%
<b>SF 6.0</b>	6,000 Sq. Ft.	1,000 Sq. Ft.	65 Ft.	90 Ft.	20 Ft.	20 Ft.	8 Ft.	2.5 stories/ 36 Ft.	65%
<b>SF 7.5</b>	7,500 Sq. Ft.	1,200 Sq. Ft.	80 Ft.	100 Ft.	25 Ft.	25 Ft.	10 Ft.	2.5 stories/ 36 Ft.	60%
<b>SF 10.5</b>	10,500 Sq. Ft.	1,400 Sq. Ft.	150 Ft.	160 Ft.	40 Ft.	35 Ft.	10 Ft.	2.5 stories/ 36 Ft.	50%
<b>SF 15.0</b>	15,000 Sq. Ft.	1,600 Sq. Ft.	200 Ft.	240 Ft.	50 Ft.	50 Ft.	15 Ft.	2.5 stories/ 36 Ft.	40%
<b>TH**</b>	PH- 4,500 sf SFA – 3,000 sf 2F – 3,500 sf	900 Sq. Ft.	PH – 45' SFA – 30' 2F – 35'	100 Ft.	15 Ft.	15 Ft.	PH - 0-10' SFA – 5' 2F – 5'	2.5 stories/ 36 Ft.	60% Max. – 12 D.U./acre
<b>DUP</b>	6,000 Sq. Ft.	1200 Sq. Ft./Unit	60 Ft.	100 Ft.	25 Ft.	7 Ft.	7 Ft.	2.5 stories/ 36 Ft.	60%
<b>MF</b>	1 acre	550sf-Effic'y. 650sf-1 B.R. 780sf-2 B.R. 930sf-3 B.R.	100 Ft.	100 Ft.	Variable	15 Ft.	15 Ft.	3 stories/ 45 Ft.	75%
<b>MH</b>	7,500	1,200 Sq. Ft.	80 Ft.	100 Ft.	25 Ft.	20 Ft.	8Ft./ 15 Ft. corner lot	1 story/ 18 Ft.	60%
<b>C***</b>	10,000 Sq. Ft.	N/A	100 Ft.	100 Ft.	25 Ft.	Depends on Bldg. Ht.	Depends on Bldg. Ht.	2stories/ 35 Ft.	80%
<b>R</b>	8,000 Sq. Ft.	N/A	80 Ft.	100 Ft.	25 Ft.	7 Ft.	7 Ft.	2 stories/ 35 Ft.	90%
<b>DT</b>	N/A	N/A	20 Ft.	50 Ft.	N/A	10 Ft.	0 Ft.	3 stories/ 45 Ft.	90%
<b>REC</b>	2 Acres	N/A	100 Ft.	150 Ft.	25 Ft.	25 Ft.	15 Ft.	2.5 stories/ 36 Ft.	40%
<b>LI***</b>	10,000 Sq. Ft.	N/A	100 Ft.	100 Ft.	25 Ft.	Depends on Bldg. Ht.	Depends on Bldg. Ht.	3 stories/ 45 Ft.	90%
<b>I***</b>	10,000 Sq. Ft.	N/A	100 Ft.	100 Ft.	25 Ft.	Depends on Bldg. Ht.	Depends on Bldg. Ht.	3 stories/ 45 Ft.	90%

\* Note: See text of the Ordinance for additional or supplemental requirements. Additional setback distance for side and rear yards is required for corner lots, when adjacent to a street, or adjacent to another more restrictive district, etc.

\*\* Note: Townhouse consists of three types of housing:

1. PH = Zero lot line Patio Home
2. SFA = Single-Family Attached
3. 2F = Duplex

\*\*\*Note: Side and rear side yard setbacks are determined by fire lane width requirements based on height of building, otherwise the side and rear yards when no fire lane is required shall be a minimum of fifteen (15') feet for interior lots and twenty-five (25') feet for any yard adjacent to a street or alley.

# SECTION 7: SCHEDULE OF PERMITTED USES

**A. USE TABLES** - The use of land and/or buildings shall be in accordance with those listed in the following Use Tables. No land or building shall hereafter be occupied or used and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which it is located. See Section 30 – Definitions for further descriptions of uses. The legend for interpreting the permitted uses in the Use Tables (Section 7.E. 1-13) is:

Designates use **P** permitted in the zoning district indicated.

 Designates use prohibited (i.e., not allowed) in the zoning district indicated.

Designates a **C** use which may only be permitted in the zoning district indicated with an approved Conditional Use Permit (also see Section 22).

Temporary Use **T** – Activities or Uses not lasting more than 60 days

**B. PROHIBITED USES** - If a use is not listed (or blank) in the Use Tables, it is not allowed in any zoning district (see Section 7.D below).

**C. USE TABLE ORGANIZATION** - The following use categories are listed in the Use Tables (Section 7.E):

- Agricultural Uses
- Residential Uses
- Institutional Uses
- Accessory and Temporary Uses
- Amusement and Recreational Uses
- Personal Service Uses
- Professional and Office Uses
- General Business Retail Uses
- Automotive Uses
- Governmental and Utility Uses
- Commercial and Wholesale Uses
- Light Industrial and Manufacturing Uses

#### **D. Classification of New and Unlisted Uses**

It is recognized that new types of land use will develop, and forms of land use, not anticipated, may seek to locate in the City. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

- (1) The zoning administrative official shall refer the question of any new or unlisted use to the Planning and Zoning Commission, requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts, listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage, and amount or nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, toxic material and vibration likely to be generated, and the general requirements for public utilities, such as, water and sanitary sewer.
- (2) The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts, and, after public hearing, determine the zoning district or districts within which such use should be permitted.
- (3) The Planning and Zoning Commission shall transmit its findings and recommendations to the City Commission as to the classification proposed for any new or unlisted use. The City Commission may approve the recommendation of the Planning and Zoning Commission or make such determination concerning the classification of such use, as is determined appropriate after giving consideration to the facts and recommendations.

## SECTION 7.E – USE TABLES

<b>TABLE 1</b>  <b>AGRICULTURAL USES</b>	Residential Districts										Non-Residential Districts					
	AG	SF 5.0	SF 6.0	SF 7.5	SF	SF	TH	DUP	MF	MH	R	C	DT	REC	LI	I
Bulk Grain and/or Feed Storage	P														P	
Farms, General (Crops)	P														C	
Farms, General (Livestock/Ranch)	P														C	
Feed Lots, Dairy Farms, Slaughter Pens, Swine Farms, Poultry Farms or other high concentrations of animals																
Greenhouse (Non-Retail/Hobby)	P			P	P	P	P		P							
Greenhouse (Commercial/Wholesale)	P											P			P	
Hay, Grain, and/or Feed Sales (Wholesale)	P											C			P	
Feed, Grain or Farm Supply Retail Store	P											P			P	
Kennels (Indoors)	P											P			P	
Kennels (Outdoors)	P											C			C	
Livestock Auction Sales (no raising of animals on site)	P														C	
Orchard/Crop Propagation	P															
Plant Nursery (growing for commercial purposes)	P														C	
Stables (As A Business)	P															
Stables (Private, Accessory Use)	P															
Stables (Private, Principal Use)	P															
Veterinarian (Indoor Kennels)	P											P			P	
Veterinarian (Outdoor Kennels)	P											C			P	

<b>TABLE 2</b> <b>RESIDENTIAL USES</b>	Residential Districts										Non-Residential Districts					
	AG	SF 5.0	SF 6.0	SF 7.5	SF	SF	TH	DUP	MF	MH	R	C	DT	REC	LI	I
Bed and Breakfast Inn	P								P							
Boarding/Rooming House									P							
Independent Living Facility For Elderly/Seniors									P	C		P			P	
Live/Work Dwelling Units								C	P			C			C	
Manufactured Home (HUD CODE)	P									P						
Mixed Use Residential (above first floor)												C			C	
Mobile Home																
Multi-Family Residential									P							
Recreational Vehicles (RV)																
Single-Family Detached Dwelling	P	P	P	P	P	P	P	P	C	C						
Single-Family Attached Dwelling (Townhouse)							P	P	P							
2-Family Dwelling (Duplex)							P	P	P							
3-Family Dwelling (Triplex)									P							
4-Family Dwelling (Quadruplex )									P							
Zero Lot Line Single-Family Dwelling (Patio Home)							P	P	P							

TABLE 3 INSTITUTIONAL USES	Residential Districts										Non-Residential Districts					
	AG	SF 5.0	SF 6.0	SF 7.5	SF	SF	TH	DUP	MF	MH	R	C	DT	REC	LI	I
Animal Cemetery	C														C	
Art Gallery or Museum												P	P		P	
Assisted Living Facility (7 or more Elderly/Senior or Disabled Persons)							C		P			P				
Cemetery and/or Mausoleum	C														C	
Church/Temple/Place of Worship	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Civic/Fraternal Organization												P			P	
Clinic ( Minor Emergency)												P			P	
College or University	C											P			P	
Community Home (6 or Less Elderly/Senior or Disabled Persons Licensed by the State)	P			P	P	P	P	P	P	P						
Day Care Center (Child Care for 7 or More Unrelated Children)									P			P			P	
Family Home (Child Care for 6 or Less Unrelated Children)	P			P	P	P	P	P	P	P						
Hospital (Acute care / Chronic Care)												P			P	
Humane Society/Animal Pound	C														C	
Library (Public)	P						P	P	P	P		P			P	
Philanthropic, Charitable or Nonprofit Organization	P			P	P	P	P	P	P	P		P			P	
Psychiatric, Alcoholic or Narcotic Treatment/Care Facility												C			C	
Nursing/Convalescent Home or Hospice									P			P			C	
Orphanage									C			C				
Public Health Center												P			P	
Rectory/Parsonage	P			P	P	P	P	P	P	P		P			P	
Rehabilitation Care Facility (Halfway House)									C			C			C	
Retirement Home/Home for the Aged								C	P			P			C	
School, K through 12 (Private)	P			P	P	P	P	P	C			P			C	
School, K through 12 (Public)	P			P	P	P	P	P	P			P			P	
School, Vocational (Business/Commercial Trade)												P			P	

TABLE 4 ACCESSORY & TEMPORARY USES	Residential Districts										Non-Residential Districts					
	AG	SF 5.0	SF 6.0	SF 7.5	SF	SF	TH	DUP	MF	MH	R	C	DT	REC	LI	I
Accessory Building/Structure (Residential)	P			P	P		P	P	P	P						
Accessory Building/Structure (Non-residential)												P			P	
Accessory Dwelling (Garage Apartment)	P															
Batch Plant – Asphalt/Concrete – Temporary	T														T	
Caretaker's/Guard's Residence	P								P	P		P			P	
Contractor's Temporary On-Site Construction Office	T			T	T		T	T	T	T		T			T	
Home Occupation	P	P	P	P	P	P	P	P	P	P						
Itinerant Vendor/Vending	T											T			T	
Market (Public, Flea, Produce, etc.) – seasonal	T											T			T	
On-street Parking (subject to no parking Ordinances and/or street design standards)				P	P		P		P							
Private Party (Wedding) Rental Facility	T											C	C		T	
Special Events, Carnivals or Festivals	T											T			T	
Temporary Classroom Structures (Churches and Schools)	P			P	P		P	P	P	P		P			P	
Temporary Outside Retail Display/Sales (No Overnight Display)												P			P	

<b>TABLE 5</b>  <b>AMUSEMENT &amp; RECREATIONAL USES</b>	Residential Districts										Non-Residential Districts					
	AG	SF 5.0	SF 6.0	SF 7.5	SF	SF	TH	DUP	MF	MH	R	C	DT	REC	LI	I
Amusement Devices/Arcade (Four or More Devices, Indoors only-Age Restricted Premises)												C			C	
Amusement, Commercial (Indoors)												P			P	
Amusement, Commercial (Outdoors)												C			P	
Athletic Field or Stadium (Public)	P			P	P	P	P	P	P	P		P			P	
Billiard / Pool Facility (Three or More Tables-Age Restricted Premises)												C			C	
Dance Hall															C	
Day Camp for Children	P															
Dinner/Live Drama Theatre												P	P		P	
Driving Range	C														P	
Fair/Rodeo Grounds or Exhibition Hall or Arena	C														C	C
Game Room												C			P	P
Golf Course or Country Club (Private)	C			C	C										C	
Golf Course (Public)	P			P	P										P	
Health Club (Physical Fitness; Indoors Only)												P			P	
Motion Picture Theater (Indoors)												P	P		P	
Motion Picture Theater (Outdoors)	C											C			C	
Park and/or Playground (Private)	P	P	P	P	P	P	P	P	P	P						
Park and/or Playground (Public/Municipal)	P	P	P	P	P	P	P	P	P	P		P			P	
Private Club (Restaurant Alcohol Sales)												C				
RV or Travel Trailer Park (Short-Term Stay)									C						C	
RV or Travel Trailer Park (Long-Term Stay)									C						C	
Swimming Pool (Private, Membership)	C	C	C	C	C	C	C	C	P	C		P			C	
Swimming Pool (Public)	P	P	P	P	P	P	P	P	P	P		P		P	P	
Tennis Court (Private/Lighted)	P	C	C	C	C	C	C	C	P	C						
Tennis Court (Private / Not Lighted)	P	P	P	P	P	P	P	P	P	P						
Video Rental / Sales (For All Audiences)												P			P	
Zoo (Public or Private)	C														C	

<p><b>TABLE 6</b></p> <p><b>PERSONAL SERVICE USES</b></p>	Residential Districts										Non-Residential Districts					
	AG	SF 5.0	SF 6.0	SF 7.5	SF	SF	TH	DUP	MF	MH	R	C	DT	REC	LI	I
Ambulance Service												P			P	
Artist/Photography Studio												P	P		P	
Automobile Driving School												P			P	
Automatic Teller Machines (ATM's)												P			P	
Barber/Beauty Shop		C	C	C	C	C						P			P	
Dance/Drama/Music Schools (Performing Arts Studio)												P			P	
Electronic Sales/Service (Computers, Entertainment or Telephones)												P			P	
Exterminator Service (No outdoor sales or storage)												C			P	
Funeral Home												C			P	
Hotel/Motel												C			P	
Martial Arts School / Dance Studio												P			P	
Laundromat (or Self-Service Washateria)												P			P	
Laundry/Dry Cleaning (Drop Off/Pick Up)												P			P	
Limousine / Taxi Service												C			P	
Locksmith												P			P	
Mailing Service (Private)												P			P	
Massage Establishment (as defined within this Ordinance)															C	
Mini-Warehouse/Self Storage												C			P	
Personal Service Shops (Tailor, Shoe Repair, Seamstress, etc.)												P			P	
Print Shop/Reprographics												P			P	
Security Systems Installation and Monitoring Company												P			P	
Sexually Oriented Business (Regulated by Additional City Codes)															P	
Tattoo Studio or Body Piercing															C	
Tool Rental (Indoor Storage only)												P			P	
Tool Rental (with Outdoor Storage- No Heavy Equipment)												C			P	



<b>TABLE 8</b> <b>R</b> <b>GENERAL BUSINESS RETAIL USES</b>	Residential Districts										Non-Residential Districts					
	AG	SF 5.0	SF 6.0	SF 7.5	SF	SF	TH	DUP	MF	MH	R	C	DT	REC	LI	I
Alcoholic Beverage Retail Sales*												C				
Antique/Consignment Shop (No Outside Storage)												P			P	
Antique/Consignment Shop (With Outside Storage)															P	
Appliance (Major) Sales, Rental, Repair (With Outside Storage)												P			P	
Appliance (Minor) Sales, Rental, Repair (No Outside Storage)												P			P	
Bakery or Confectionery Shop (Retail)											P	P	P		P	
Convenience Store (with Gasoline Sales)												P			P	
Convenience Store (without Gasoline Sales)											P	P			P	
Garden Center/Nursery/Florist With No Outside Storage)												P			P	
Garden Center/Nursery w/ Outside Storage)												C			P	
Gravestone/Tombstone Sales												C			P	
General Merchandise (Dry Goods) – Stores Less Than 12,000 Sq.Ft.											P	P			P	
General Merchandise (Dry Goods) – Stores 12,000 Sq.Ft. or Larger											P	P			P	
Grocery/Food Store – Less Than 12,000 Sq.Ft.												P			P	
Grocery/Food Store – 12,000 Sq.Ft. or Larger												P			P	
Light Equipment Sales or Service (No Outside Storage)												P			P	
Light Equipment Sales or Service (With Outside Storage)												C			P	
Market (Public, Flea, Produce, etc.) permanent	C														P	
Pawn Shop												P			P	
Pet Shop / Supplies / Grooming											P	P			P	
Pharmacy											P	P			P	
Recycling Kiosk												C			P	
Restaurant (Without Drive-Thru Service)											P	P			P	
Restaurant (With Drive-Thru or Drive-In Service)												P			P	
Second Hand Thrift Store or Used Merchandise (Inside Only)											P	P			P	

\*Note: Alcohol sales shall be in accordance with TABC Rules and Chapter 3 of this Code and other local ordinances as adopted or amended.

TABLE 9 AUTOMOTIVE USES	Residential Districts										Non-Residential Districts					
	AG	SF 5.0	SF 6.0	SF 7.5	SF	SF	TH	DUP	MF	MH	R	C	DT	REC	LI	I
Auto Auction/Storage															P	
Auto Dealership (Used Auto Sales as Accessory Use Only)												C			P	
Auto Dealership (Used Auto Sales)															P	
Auto Muffler Shop (With Outside Storage)															P	
Auto Paint and Body Shop (With Outside Storage)															P	
Auto Parts and Accessories Sales (Indoors Only – No Repair Bays)												P			P	
Auto Parts Sales/Repair (With Service Bays – No Outside Storage)												P			P	
Auto Rental or Leasing												C			P	
Auto Repair (Major)															P	
Auto Repair (Minor)												C			P	
Auto Wrecker Service (Limited to Ten Vehicles Stored Onsite)															C	
Auto Wrecking/Salvage Yard																
Boat (Marine) Dealership															P	
Car Wash (Self Service; Automated)												P			P	
Car Wash (Full Service; Detail Shop)												C			P	
Gasoline Service Station												P			P	
Motorcycle/All Terrain Dealership															P	
Public Garage / Parking Structure												P	P		P	
Quick Lube/Oil Change/Minor Inspection												C			P	
Recreational Vehicle Dealership (RV's, Campers, Travel Trailers, etc.)															P	

TABLE 10 GOVERNMENT & UTILITY USES	Residential Districts										Non-Residential Districts					
	AG	SF 5.0	SF 6.0	SF 7.5	SF	SF	TH	DUP	MF	MH	R	C	DT	REC	LI	I
Antenna/Tower (Non-Commercial)	(See – Supplementary Regulations)															
Antenna/Tower (Commercial)	(See – Supplementary Regulations)															
Electrical Generating Plant	C														P	
Electrical Substation	C			C	C		C	C	C	C		C			P	
Electrical Transmission Line (Towers)	C				C		C	C	C	C		C			P	
Fire Station	P			P	P		P	P	P	P		P			P	
Franchised Private Utility (not listed)	P			P	P		P	P	P	P		P			P	
Gas Transmission Line (Regulating Station)	C			C	C		C	C	C	C		C			C	
Governmental Office Building (Municipal, County, State or Federal)	P			P	P		P	P	P	P		P			P	
Governmental Service Facility or Use (Municipal, County, State or Federal)	C											P			P	
Onsite Septic System (Private)	C			C	C		C	C	C	C					C	
Phone Exchange/Switching Station	C											C			C	
Police Station	P			P	P		P	P	P	P		P			P	
Post Office (Governmental – not leased)**	P			P	P		P	P	P	P		P			P	
Propane Sales (Retail)															P	
Radio/Television Tower (Commercial – Stand Alone)	(See – Supplementary Regulations)															
Sewage Lift/Pumping Station	P			P	P		P	P	P	P		P			P	
Transfer Station (Refuse/Pick-up)															C	
Utility Distribution Line	P			P	P		P	P	P	P		P			P	
Water/Wastewater Treatment Plant (Public)	C														C	
Water Supply Facility (Public; includes Elevated Water Storage)	P			P	P		P	P	P	P		P			P	
Water Supply Facility (Private) ***	P			P	P		P	P	P	P		P			P	
Wind Turbine (Electrical Generation)															C	C

\*\*Note: Federal or State Facilities in a privately owned leased building shall only be located in non-residential districts.

\*\*\*Note: Private water systems including wells are regulated by State and Federal Laws

<b>TABLE 11</b>  <b>COMMERCIAL &amp; WHOLESALE USES</b>	Residential Districts										Non-Residential Districts					
	AG	SF 5.0	SF 6.0	SF 7.5	SF	SF	TH	DUP	MF	MH	R	C	DT	REC	LI	I
Bakery or Confectionery (Commercial/Wholesale)																P
Book Bindery/Publishing/Newspaper												C				P
Cleaning Plant (Commercial/Wholesale)																P
Contractor's Office/Shop, (No Outside Storage Including equipment)												C				P
Contractor's Office/Shop (With Outside Storage)																P
Contractor Supply Warehouse (Wholesale – No Outside Storage)												C				P
Contractor Supply Warehouse (Wholesale – With Outside Storage)																P
Heating & Air-conditioning Sales / Services												C				P
Heavy Equipment Sales or Service																P
Heavy Equipment Rental or Leasing																P
Machine Shop																P
Manufactured Home Sales (New)																C
Manufactured Home Sales (Used)																
Micro Brewery (onsite mfg. & sales)*												C	C			
Office Showroom Warehouse												C				P
Outside Storage of Equipment or Materials (More Than 24 Hours)																P
Petroleum Distribution/Storage/Wholesale Facility																
Portable Building Sales																P
Research/Diagnostic Lab (Non-Hazardous)																P
Sign Shop (small scale, such as a storefront; includes sign and banner making for retail sale only)												P				P
Sign Manufacturing (large scale)																P
Taxidermist																P
Welding Shop																P
Wholesale Warehouse Distribution Center												C				P

\*Note: Alcohol sales shall be in accordance with TABC Rules and Chapter 3 of this Code and other local ordinances as adopted or amended.

<p><b>TABLE 12</b></p> <p><b>LIGHT INDUSTRIAL &amp; MANUFACTURING USES</b></p>	Residential Districts										Non-Residential Districts					
	AG	SF 5.0	SF 6.0	SF 7.5	SF	SF	TH	DUP	MF	MH	R	C	DT	REC	LI	I
Airport, Heliport or Landing Field																C
Animal Rendering Plant (Slaughterhouse)																
Assembly & Fabrication Processes (inside only)																P
Batch Plant – Asphalt/Concrete (Permanent)																
Bottling Works (Including Brewery or Winery)																P
Bus Station or Terminal												C				P
Commercial Dairy Processing Plant																C
Engine Repair/Motor Manufacturing Re-Manufacturing and/or Repair																P
Food Processing (No Animal Slaughtering)																P
Heavy Industrial Processes (Smokestack)																
Helistop or Helicopter Landing Pad																C
Industrial Processes (Wholly Enclosed Within a Building)																C
Industrial Processes (Not Wholly Enclosed Within a Building)																C
Laboratory Equipment Manufacturing																P
Maintenance & Service for Buildings												C				P
Manufacturing, General																P
Mineral Extraction (Including Gas & Oil – no open pit mines)																C
Motor Freight (Trucking) Company																C
Moving and Storage Company (With Outside Storage)																P
Paper Manufacturing, Converting or Finishing																P
Railroad Yard																
Salvage, Reclamation or Recycling of Materials																
Sand/Gravel/Stone Extraction																
Sand/Gravel/Stone Sales (Storage)																P
Stone/Clay/Glass Manufacturing																P
Truck Sales, Service, Leasing or Rental																P
Truck Stop and Fueling Station																C
Wood or Steel Structural Fabrication																P

# SECTION 8: AGRICULTURAL (AG) DISTRICT

## A. GENERAL PURPOSE AND DESCRIPTION:

(1) The Agricultural (AG) District is designed to preserve certain undeveloped lands for ranching, animal husbandry, farming, propagation and cultivation of crops and similar uses of open space in order to provide local food sources, protect watersheds, and prevent flooding. Single-family uses on large lots are also appropriate for this district. Territory that has been newly annexed into the City is initially zoned Agricultural until it is assigned another permanent zoning district. It is anticipated that Agricultural zoned land will eventually be rezoned to another zoning classification in the future.

(2) The Agricultural (AG) District is also appropriate for areas where development is premature due to lack of utilities or City services; to preserve areas that are unsuitable for development due to problems that may present hazards such as flooding, in which case the AG zoning designation should be retained until such hazards are mitigated and the land is rezoned; and to provide permanent greenbelts or to preserve open space areas as buffers around uses that might otherwise be objectionable or pose environmental or health hazards.

## B. PERMITTED USES:

Those uses listed for the Agricultural (AG) District in Section 7 – Use Tables as “P”, “C” or “T” are authorized uses permitted by right, by conditional use permit (which must be approved utilizing procedures set forth in Section 24).

## C. HEIGHT REGULATIONS:

### (1) Maximum Height:

- (a) Three (3) stories, and not to exceed forty-five feet (45'), for the main building/house.
- (b) Ninety feet (90') for agricultural structures (e.g., silos, water towers, etc.), provided they are no closer than one hundred feet (120') from any residential structure on the premises, or any front, side or rear property line.
- (c) Twenty-five feet (25') for other accessory buildings, including detached garage, garden shed, accessory dwelling units, etc.

## D. AREA REGULATIONS:

### (1) Size of Lots:

- (a) **Minimum Lot Area** - Three (3) acres (i.e. 130,680 square feet)
- (b) **Minimum Lot Width** - Two hundred feet (200')
- (c) **Minimum Lot Depth** - Two hundred fifty feet (250')

### (2) Size of Yards:

- (a) **Minimum Front Yard** - Sixty feet (60')

- (b) **Minimum Side Yard** - Twenty-five feet (25') for interior side yard and accessory buildings; thirty-five feet (35') for a corner lot on a street. (Key lots may require additional setbacks)
- (c) **Minimum Rear Yard** - Fifty feet (50') for the main building and twenty-five feet (25') for any accessory building(s).
- (d) Accessory dwellings shall meet the same setbacks as the main house.

**(3) Parking Regulations**

- (a) **Single-Family Dwelling Unit** – A minimum of two (2) enclosed parking spaces located behind the front building line on the same lot as the main structure. A paved driveway shall be installed from the street or alley right-of-way line to the garage door with a minimum length of twenty five feet (25'). Driveways in excess of sixty feet (60') in length shall be paved in concrete or asphalt for the first sixty feet (60') and the remainder may be constructed of crushed rock in lieu of asphalt or concrete in accordance with Section 27.
- (b) **Other** - See Section 27, Off-Street Parking and Loading Regulations

(4) **Minimum Floor Area per Dwelling Unit** –Two thousand (2,000) square feet of air-conditioned floor area.

(5) **Minimum Exterior Construction Standards** – See Section 29.

(6) **Maximum Impervious Surface Coverage** – Thirty percent (30%).

**E. SPECIAL REQUIREMENTS:**

- (1) Recreational vehicles, travel trailers, motor homes or manufactured housing may not be used for on-site dwelling purposes.
- (2) Barns, stables, or other permanent structures designed to house large animals shall be located not less than one hundred (100') feet from any residential structure or forty (40') feet from any property line.
- (3) Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of five (5) or more acres.
- (4) Open storage is prohibited (except for materials for the resident's personal use and consumption or agricultural products awaiting shipment to market, such as, crops, hay, firewood, garden materials, farm equipment, etc., which may only be stored in the side or rear yards not readily visible from public streets and neighboring properties).
- (5) Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').

(6) Carports or other detached accessory structures shall not project beyond the front façade of the house and shall be required to match the exterior materials and finish of the main structure if located in the side yard and is visible from the street.

(7) Swimming pools - See Section 29.

(8) A Site Plan shall be required for single-family (detached) residential developments in which the proposed subdivision will include 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.), 2) a golf course, and/or 3) a gated (restricted access) entrance into the subdivision. In these instances, Site Plan submission and approval will be required for these elements as part of the Final Plat approval process. Site Plan submission application shall be in accordance with the requirements for a Development Site Plan as described in Section 23.E, but shall not require a public hearing as required by the adoption of a Planned Development if Agricultural zoning is to remain.

(9) Any nonresidential land use which may be permitted in this district shall conform to the "C"- General Commercial District standards.

(10) **Other Regulations** – As established in the Supplementary Development Regulations, Sections 25 – 30.

# SECTION 9: SINGLE-FAMILY (5.0) RESIDENTIAL DISTRICT

## A. GENERAL PURPOSE AND DESCRIPTION:

The Single-Family (SF 5.0) Residential District is intended to provide for development of primarily high-quality medium-density detached, single-family residences on lots of not less than 5,000 square feet in size, churches, schools and public parks in logical neighborhood units. The SF 5.0 District is designed to be located within short walking distance to schools, parks, shopping and churches and as such, is especially well suited to accommodate families with school aged children. Areas zoned for the SF 5.0 District shall have, or shall make provision for city water and sewer services. Subdivisions shall be designed to adequately accommodate storm drainage; have pedestrian friendly walkability; they shall have paved streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

## B. PERMITTED USES:

Those uses listed for the Single-Family (5.0) Residential District in Section 7 – Use Tables as “P”, “C”, or “T” are authorized uses permitted by right, by Conditional Use Permit (which must be approved utilizing procedures set forth in Section 24).

## C. HEIGHT REGULATIONS:

- (1) **Maximum Height:**
  - (a) Two and one-half (2-1/2) stories, and not to exceed thirty-six feet (36'), for the main building/house.
  - (b) One (1) story or a maximum of eighteen (18') feet for other accessory buildings, including detached garage, garden shed, gazebo, etc.

## D. AREA REGULATIONS:

- (1) **Size of Lots:**
  - (a) **Minimum Lot Area** – Five thousand square feet (7,500 square feet)
  - (b) **Minimum Lot Width** – Fifty-five feet (55')
  - (c) **Minimum Lot Depth** – Eighty feet (80')
- (2) **Size of Yards:**
  - (a) **Minimum Front Yard** – Twenty feet (20')
  - (b) **Minimum Side Yard** - Five feet (5') for interior side yard; ten feet (10') for a corner lot on a street for the main building and five feet (5') for accessory buildings. (Key lots may require additional setbacks)
  - (c) **Minimum Rear Yard** – Twenty feet (20') for the main building and eight feet (8') for any accessory building(s). Detached rear entry garages shall have a minimum of twenty feet (20') from the garage door face to the street or alley.

## (3) Parking Regulations

(a) **Single-Family Dwelling Unit** – A minimum of two (2) enclosed parking spaces located behind the front building line on the same lot as the main structure. A paved driveway shall be installed from the street or alley right-of-way line to the garage door with a minimum length of twenty feet (20').

(b) **Other** - See Section 27, Off-Street Parking and Loading Regulations

(4) **Minimum Floor Area per Dwelling Unit** – Nine hundred (900) square feet of air-conditioned floor area. Accessory dwellings are not permitted in this district.

(5) **Maximum Impervious Surface Coverage** – Seventy percent (70%).

E. SPECIAL REQUIREMENTS:

(1) Recreational vehicles, travel trailers, motor homes or manufactured housing may not be used for on-site dwelling purposes.

(2) Open storage is prohibited in open view and shall only be stored in the side or rear yards not readily visible from public streets and neighboring properties behind a fence.

(3) Fences located in the front yard shall be decorative in appearance with a minimum of fifty percent (50%) visibility (i.e. every other picket removed).

(4) Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').

(5) Carports or other detached accessory structures shall not project beyond the front façade of the house and shall be required to match the exterior materials and finish of the main structure if located in the side yard and is visible from the street.

(6) Swimming pools - See Section 29.

(7) A Site Plan shall be required for single-family (detached) residential developments in which the proposed subdivision will include 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.), 2) a golf course, and/or 3) a gated (restricted access) entrance into the subdivision. In these instances, Site Plan submission and approval will be required for these elements as part of the Final Plat approval process. Site Plan submission application shall be in accordance with the requirements for a Development Site Plan as described in Section 23.E, but shall not require a public hearing as required by the adoption of a Planned Development if SF-7.5 zoning is to remain.

(8) **Other Regulations** – As established in the Supplementary Development Regulations, Sections 25 – 30.

# SECTION 10: SINGLE-FAMILY (6.0) RESIDENTIAL DISTRICT

## A. GENERAL PURPOSE AND DESCRIPTION:

The Single-Family (6.0) Residential District is intended to provide for development of primarily high-quality medium-density detached, single-family residences on lots of not less than 6,000 square feet in size, churches, schools and public parks in logical neighborhood units. The SF 6.0 District is designed to be located within short walking distance to schools, parks, shopping and churches and as such, is especially well suited to accommodate families with school aged children. Areas zoned for the SF 6.0 District shall have, or shall make provision for city water and sewer services. Subdivisions shall be designed to adequately accommodate storm drainage; have pedestrian friendly walkability; they shall have paved streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

## B. PERMITTED USES:

Those uses listed for the Single-Family (6.0) Residential District in Section 7 – Use Tables as “P”, “C”, or “T” are authorized uses permitted by right, by Conditional Use Permit (which must be approved utilizing procedures set forth in Section 24).

## C. HEIGHT REGULATIONS:

- (1) **Maximum Height:**
  - (a) Two and one-half (2-1/2) stories, and not to exceed thirty-six feet (36'), for the main building/house.
  - (b) One (1) story or a maximum of eighteen (18') feet for other accessory buildings, including detached garage, garden shed, gazebo, etc.

## D. AREA REGULATIONS:

- (1) **Size of Lots:**
  - (a) **Minimum Lot Area** – Six thousand square feet (6,000 square feet)
  - (b) **Minimum Lot Width** – Sixty-five feet (65')
  - (c) **Minimum Lot Depth** - Ninety feet (90')
- (2) **Size of Yards:**
  - (a) **Minimum Front Yard** – Twenty feet (20')
  - (b) **Minimum Side Yard** - Eight feet (8') for interior side yard; eighteen feet (18') for a corner lot on a street for the main building and eight feet (8') for accessory buildings. (Key lots may require additional setbacks)
  - (c) **Minimum Rear Yard** – Twenty feet (20') for the main building and eight feet (8') for any accessory building(s). Detached rear entry garages shall have a minimum of twenty feet (20') from the garage door face to the street or alley.

## (3) Parking Regulations

(a) **Single-Family Dwelling Unit** – A minimum of two (2) enclosed parking spaces located behind the front building line on the same lot as the main structure. A paved driveway shall be installed from the street or alley right-of-way line to the garage door with a minimum length of twenty feet (20').

(b) **Other** - See Section 27, Off-Street Parking and Loading Regulations

(4) **Minimum Floor Area per Dwelling Unit** – One thousand (1,000) square feet of air-conditioned floor area. Accessory dwellings are not permitted in this district.

(5) **Maximum Impervious Surface Coverage** – Sixty-five percent (65%).

E. SPECIAL REQUIREMENTS:

(1) Recreational vehicles, travel trailers, motor homes or manufactured housing may not be used for on-site dwelling purposes.

(2) Open storage is prohibited in open view and shall only be stored in the side or rear yards not readily visible from public streets and neighboring properties behind a fence.

(3) Fences located in the front yard shall be decorative in appearance with a minimum of fifty percent (50%) visibility (i.e. every other picket removed).

(4) Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').

(5) Carports or other detached accessory structures shall not project beyond the front façade of the house and shall be required to match the exterior materials and finish of the main structure if located in the side yard and is visible from the street.

(6) Swimming pools - See Section 29.

(7) A Site Plan shall be required for single-family (detached) residential developments in which the proposed subdivision will include 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.), 2) a golf course, and/or 3) a gated (restricted access) entrance into the subdivision. In these instances, Site Plan submission and approval will be required for these elements as part of the Final Plat approval process. Site Plan submission application shall be in accordance with the requirements for a Development Site Plan as described in Section 23.E, but shall not require a public hearing as required by the adoption of a Planned Development if SF-7.5 zoning is to remain.

(8) **Other Regulations** – As established in the Supplementary Development Regulations, Sections 25 – 30.

# SECTION 11: SINGLE-FAMILY (7.5) RESIDENTIAL DISTRICT

## A. GENERAL PURPOSE AND DESCRIPTION:

The Single-Family (7.5) Residential District is intended to provide for development of primarily high-quality medium-density detached, single-family residences on lots of not less than 7,500 square feet in size, churches, schools and public parks in logical neighborhood units. The SF 7.5 District is designed to be located within short walking distance to schools, parks, shopping and churches and as such, is especially well suited to accommodate families with school aged children. Areas zoned for the SF 7.5 District shall have, or shall make provision for city water and sewer services. Subdivisions shall be designed to adequately accommodate storm drainage; have pedestrian friendly walkability; they shall have paved streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

## B. PERMITTED USES:

Those uses listed for the Single-Family (7.5) Residential District in Section 7 – Use Tables as “P”, “C”, or “T” are authorized uses permitted by right, by Conditional Use Permit (which must be approved utilizing procedures set forth in Section 24).

## C. HEIGHT REGULATIONS:

- (1) **Maximum Height:**
  - (a) Two and one-half (2-1/2) stories, and not to exceed thirty-six feet (36'), for the main building/house.
  - (b) One (1) story or a maximum of eighteen (18') feet for other accessory buildings, including detached garage, garden shed, gazebo, etc.

## D. AREA REGULATIONS:

- (1) **Size of Lots:**
  - (a) **Minimum Lot Area** – Seven thousand five hundred square feet (7,500 square feet)
  - (b) **Minimum Lot Width** - Eighty feet (80')
  - (c) **Minimum Lot Depth** - One hundred feet (100')
- (2) **Size of Yards:**
  - (a) **Minimum Front Yard** – Twenty-five feet (25')
  - (b) **Minimum Side Yard** - Eight feet (10') for interior side yard; eighteen feet (18') for a corner lot on a street for the main building and eight feet (10') for accessory buildings. (Key lots may require additional setbacks)
  - (c) **Minimum Rear Yard** – Twenty-five feet (25') for the main building and eight feet (8') for any accessory building(s). Detached rear entry garages shall have a minimum of twenty-five feet (25') from the garage door face to the street or alley.

**(3) Parking Regulations**

- (a) **Single-Family Dwelling Unit** – A minimum of two (2) enclosed parking spaces located behind the front building line on the same lot as the main structure. A paved driveway shall be installed from the street or alley right-of-way line to the garage door with a minimum length of twenty-five feet (25’).
- (b) **Other** - See Section 27, Off-Street Parking and Loading Regulations

**(4) Minimum Floor Area per Dwelling Unit** – Twelve hundred (1,200) square feet of air-conditioned floor area. Accessory dwellings are not permitted in this district.

**(5) Maximum Impervious Surface Coverage** – Sixty percent (60%).

**E. SPECIAL REQUIREMENTS:**

(1) Recreational vehicles, travel trailers, motor homes or manufactured housing may not be used for on-site dwelling purposes.

(2) Open storage is prohibited in open view and shall only be stored in the side or rear yards not readily visible from public streets and neighboring properties behind a fence.

(3) Fences located in the front yard shall be decorative in appearance with a minimum of fifty percent (50%) visibility (i.e. every other picket removed).

(4) Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25’) from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25’).

(5) Carports or other detached accessory structures shall not project beyond the front façade of the house and shall be required to match the exterior materials and finish of the main structure if located in the side yard and is visible from the street.

(6) Swimming pools - See Section 29.

(7) A Site Plan shall be required for single-family (detached) residential developments in which the proposed subdivision will include 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.), 2) a golf course, and/or 3) a gated (restricted access) entrance into the subdivision. In these instances, Site Plan submission and approval will be required for these elements as part of the Final Plat approval process. Site Plan submission application shall be in accordance with the requirements for a Development Site Plan as described in Section 23.E, but shall not require a public hearing as required by the adoption of a Planned Development if SF-7.5 zoning is to remain.

**(8) Other Regulations** – As established in the Supplementary Development Regulations, Sections 25 – 30.

# SECTION 12: SINGLE-FAMILY (10.5) RESIDENTIAL DISTRICT

## A. GENERAL PURPOSE AND DESCRIPTION:

The Single-Family (10.5) is a residential district intended to provide for development of primarily high quality, low-density detached, single-family residences on lots of not less than 10,500 sq. ft. in size, including churches, schools and public parks in logical neighborhood units. Areas zoned for the SF 10.5 District shall have, or shall make provision for city water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved streets; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

## B. PERMITTED USES:

Those uses listed for the Single-Family (10.5) Residential District in Section 7 – Use Tables as “P”, “C”, or “T” are authorized uses permitted by right, by Conditional Use Permit (which must be approved utilizing procedures set forth in Section 24).

## C. HEIGHT REGULATIONS:

- (1) **Maximum Height:**
  - (a) Two and one-half (2-1/2) stories, and not to exceed thirty-six feet (36'), for the main building/house.
  - (b) One (1) story or a maximum of eighteen (18') feet for other accessory buildings, including detached garage, garden shed, gazebo, etc.

## D. AREA REGULATIONS:

- (1) **Size of Lots:**
  - (a) **Minimum Lot Area** – Ten thousand five hundred square feet (10,500 square feet)
  - (b) **Minimum Lot Width** – One hundred Fifty feet (150')
  - (c) **Minimum Lot Depth** - One hundred Sixty feet (160')
- (2) **Size of Yards:**
  - (a) **Minimum Front Yard** – Forty feet (40')
  - (b) **Minimum Side Yard** - Fifteen feet (10') for interior side yard; eighteen feet (18') for a corner lot on a street for the main building and eight feet (10') for accessory buildings. (Key lots may require additional setbacks)
  - (c) **Minimum Rear Yard** – Thirty-five feet (35') for the main building and eight feet (8') for any accessory building(s). Detached rear entry garages shall have a minimum of twenty-five feet (25') from the garage door face to the street or alley.
- (3) **Parking Regulations**
  - (a) **Single-Family Dwelling Unit** – A minimum of two (2) enclosed parking spaces located behind the front building line on the same lot as the main structure. A paved

driveway shall be installed from the street or alley right-of-way line to the garage door with a minimum length of twenty-five feet (25').

(b) **Other** - See Section 27, Off-Street Parking and Loading Regulations

(c) **Minimum Floor Area per Dwelling Unit** – Fourteen hundred (1,400) square feet of air-conditioned floor area. Accessory dwellings are not permitted in this district.

(d) **Maximum Impervious Surface Coverage** – Fifty percent (50%).

E. SPECIAL REQUIREMENTS:

(1) Recreational vehicles, travel trailers, motor homes or manufactured housing may not be used for on-site dwelling purposes.

(2) Open storage is prohibited in open view and shall only be stored in the side or rear yards not readily visible from public streets and neighboring properties behind a fence.

(3) Fences located in the front yard shall be decorative in appearance with a minimum of fifty percent (50%) visibility (i.e. every other picket removed).

(4) Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').

(5) Carports or other detached accessory structures shall not project beyond the front façade of the house and shall be required to match the exterior materials and finish of the main structure if located in the side yard and is visible from the street.

(6) Swimming pools - See Section 29.

(7) A Site Plan shall be required for single-family (detached) residential developments in which the proposed subdivision will include 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.), 2) a golf course, and/or 3) a gated (restricted access) entrance into the subdivision. In these instances, Site Plan submission and approval will be required for these elements as part of the Final Plat approval process. Site Plan submission application shall be in accordance with the requirements for a Development Site Plan as described in Section 23.E, but shall not require a public hearing as required by the adoption of a Planned Development if SF-7.5 zoning is to remain.

(8) **Other Regulations** – As established in the Supplementary Development Regulations, Sections 25 – 30.

## SECTION 12: SINGLE-FAMILY (15.0) RESIDENTIAL DISTRICT

A. GENERAL PURPOSE AND DESCRIPTION:

The Single-Family (15.0) is a residential district intended to provide for development of primarily high quality, low-density detached, single-family residences on lots of not less than 15,000 sq.

ft. in size, including churches, schools and public parks in logical neighborhood units. Areas zoned for the SF 15.0 District shall have, or shall make provision for city water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved streets; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

B. PERMITTED USES:

Those uses listed for the Single-Family Estate (15.0) Residential District in Section 7 – Use Tables as “P”, “C”, or “T” are authorized uses permitted by right, by Conditional Use Permit (which must be approved utilizing procedures set forth in Section 24).

C. HEIGHT REGULATIONS:

(1) **Maximum Height:**

- (a) Two and one-half (2-1/2) stories, and not to exceed thirty-six feet (36'), for the main building/house.
- (b) One (1) story or a maximum of eighteen (18') feet for other accessory buildings, including detached garage, garden shed, gazebo, etc.

D. AREA REGULATIONS:

(1) **Size of Lots:**

- (a) **Minimum Lot Area** – Fifteen thousand square feet (15,000 square feet)
- (b) **Minimum Lot Width** – Two hundred feet (200')
- (c) **Minimum Lot Depth** - Two hundred forty feet (240')

(2) **Size of Yards:**

- (a) **Minimum Front Yard** – Fifty feet (50')
- (b) **Minimum Side Yard** - Fifteen feet (15') for interior side yard; eighteen feet (18') for a corner lot on a street for the main building and eight feet (8') for accessory buildings. (Key lots may require additional setbacks)
- (c) **Minimum Rear Yard** – Fifty feet (50') for the main building and eight feet (8') for any accessory building(s). Detached rear entry garages shall have a minimum of twenty-five feet (25') from the garage door face to the street or alley.

(3) **Parking Regulations**

- (a) **Single-Family Dwelling Unit** – A minimum of two (2) enclosed parking spaces located behind the front building line on the same lot as the main structure. A paved driveway shall be installed from the street or alley right-of-way line to the garage door with a minimum length of twenty five feet (25').
- (b) **Other** - See Section 27, Off-Street Parking and Loading Regulations
- (c) **Minimum Floor Area per Dwelling Unit** – Sixteen (1,600) square feet of air-conditioned floor area. Accessory dwellings are not permitted in this district.

(d) **Maximum Impervious Surface Coverage** – Forty percent (40%).

E. **SPECIAL REQUIREMENTS:**

(1) Recreational vehicles, travel trailers, motor homes or manufactured housing may not be used for on-site dwelling purposes.

(2) Open storage is prohibited in open view and shall only be stored in the side or rear yards not readily visible from public streets and neighboring properties behind a fence.

(3) Fences located in the front yard shall be decorative in appearance with a minimum of fifty percent (50%) visibility (i.e. every other picket removed).

(4) Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').

(5) Carports or other detached accessory structures shall not project beyond the front façade of the house and shall be required to match the exterior materials and finish of the main structure if located in the side yard and is visible from the street.

(6) Swimming pools - See Section 29.

(7) A Site Plan shall be required for single-family (detached) residential developments in which the proposed subdivision will include 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.), 2) a golf course, and/or 3) a gated (restricted access) entrance into the subdivision. In these instances, Site Plan submission and approval will be required for these elements as part of the Final Plat approval process. Site Plan submission application shall be in accordance with the requirements for a Development Site Plan as described in Section 23.E, but shall not require a public hearing as required by the adoption of a Planned Development if SF-7.5 zoning is to remain.

(8) **Other Regulations** – As established in the Supplementary Development Regulations, Sections 25 – 30.

### SECTION 13: TOWNHOUSE (TH) RESIDENTIAL DISTRICT

A. **GENERAL PURPOSE AND DESCRIPTION:**

The Townhouse Residential (TH) District is designed to provide for flexible development of primarily attached single-family residences or zero-lot-line homes in order to preserve open space or natural areas on more compact lots (clustering) that produce efficient pedestrian friendly communities that support employment and retail centers. Townhome developments shall be arranged in a clustered lot pattern with either a common usable open space system that is an integral part of the development or having large yards resembling single-family detached neighborhoods.

B. **PERMITTED USES:**

- (1) Those uses specified in Section 7-E (Use Tables).
- (2) Single-family detached dwellings (must meet all requirements of SF-7.5 zoning).
- (3) Such uses as may be permitted under the provisions of Conditional Use Permits, Section 24.
- (4) Such uses as may be permitted under the provisions of a Temporary Use.

C. HEIGHT REGULATIONS:

(1) **Maximum Height:**

- (a) Two and one-half (2.5) stories, and not exceed thirty-six feet (36') for the main building/house. In non-residential districts where mixed uses or live/work units are permitted the height may be increased to three (3) stories or a maximum of forty-five (45') feet.
- (b) One (1) story or eighteen feet (18') for accessory buildings.

D. AREA REGULATIONS:

(1) **Size of Lots:**

- (a) **Maximum Density** – Twelve (12) units per gross acre of land within the development.
- (b) **Minimum Project Size** – One (1) acre
- (c) **Maximum Project Size** – Fifteen (15) acres.

(2) **Minimum Lot Area –**

- (a) **Patio Home (Zero-Lot-Line)** 4,500 sq. ft.  
5,000 sq. ft. corner lot w/zero lot line  
6,000 sq. ft. corner lot w/o zero lot line
- (b) **Single Family Attached (Townhome)** 3,000 sq. ft. interior unit w/o side yard  
3,500 sq. ft. exterior unit w/ side yard  
4,500 sq. ft. corner lot
- (c) **Two-Family (Duplex)** 3,500 sq. ft. per dwelling unit  
4,500 sq. ft. if unit is on corner lot

(3) **Minimum Lot Width** – Thirty feet (30'); Thirty-Five feet (35'); Forty-Five feet (45'); Fifty feet (50'); or sixty feet (60') respectively

(4) **Minimum Lot Depth** - One hundred feet (100')

(5) **Size of Yards:**

- (a) **Minimum Front Yard** - Fifteen feet (15').
- (b) **Minimum Side Yard** - Patio Homes - One (1) side yard reduced to zero feet (0');

other side yard a minimum of ten feet (10') required with fifteen feet (15') required on corner lots adjacent to a street; and twenty feet (20') required on a corner lot adjacent to an arterial street; Townhomes and Duplexes – a side yard minimum of five (5') feet on exterior units to create a minimum separation of ten (10') feet between buildings, fifteen feet (15') on corner lots adjacent to a street.

(c) **Minimum Rear Yard** - Fifteen feet (15') for the main building; twenty-five feet (25') from a garage to an alley; ten feet (10') from a main building to an accessory building. Accessory buildings (other than garages) maybe placed three feet (3') from rear or side property line. (See Section 24 for additional accessory building requirements)

E. **MAXIMUM LOT COVERAGE** - Forty percent (40%) by main buildings; not to exceed sixty percent (60%) total impervious area including accessory buildings, driveways and parking areas.

F. **PARKING REGULATIONS:**

(1) **Each Dwelling Unit** - A minimum of two (2) parking spaces one of which must be enclosed and on the same lot as the main structure. Parking preferably to be accessed from the rear of the structure (rear loaded) unless physical lot constraints or a “cluster” design is utilized preventing rear loading. Carports shall not project beyond the front façade of the house and shall be required to match the exterior materials of the main structure if located in the side yard.

(2) **Sidewalks** – a minimum of a four (4') feet wide sidewalk shall be required along all street frontages and from the front door of each unit to the street (a common sidewalk may be used to connect up to four units with the street). Sidewalks shall also connect each unit to its respective parking spaces.

(3) **Alleys** – Each attached dwelling unit within the TH-12 District shall be rear-entry only from an alley that is constructed along with the rest of the subdivision (i.e., at the same time as the streets, utilities, etc.) and that is in conformance with the City’s design standards for alleys (see Subdivision Ordinance).

(4) Patio homes or single-family detached homes within this district are allowed to have front-loaded garages only if physical lot constraints prevent rear loading. Side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty feet (20') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty feet (20').

(5) **Other** - (See Section 27, Off-Street Parking and Loading Requirements)

G. **MINIMUM FLOOR AREA PER DWELLING UNIT:**

(1) The minimum living area for a one-bedroom townhouse shall be nine hundred (900) square feet.

(2) The square footage of the dwelling unit shall be increased an additional one-hundred twenty (120) square feet for each additional bedroom.

H. **OPEN SPACE REQUIREMENTS:**

(1) **Useable Open Space Requirements** - Each townhouse subdivision shall provide useable open space (not flood plain) which equals or exceeds ten (10%) percent of the gross platted area, rights-of-way for collector and larger sized streets not included. All developments with more than twenty-five (25) dwelling units will provide useable open space at the rate of 400 square feet per unit with a minimum of 10,000 square feet.

(2) **Specific Criteria for Usable Open Space** - Areas provided as usable open space shall meet the following criteria:

(a) All Townhome residential lots must be located within six hundred feet (600') of a usable open space area as measured along a street. The Planning and Zoning Commission may increase this distance to one thousand two hundred feet (1,200') if the shape of the subdivision is irregular or if existing trees/vegetation on the site can be preserved by increasing the distance.

(b) Individual usable open space areas shall be at least ten thousand (10,000) square feet in size. Useable open space must be a minimum of fifty feet (50') wide, and must have no slope greater than ten (10%) percent. At the time of site plan and/or subdivision plat approval, the Planning and Zoning Commission or City Commission may give full or partial credit for open areas that exceed the 10% maximum slope if it is determined that such areas are environmentally or aesthetically significant and that their existence enhances the development and/or the surrounding area.

(c) Pools, tennis courts, walkways, patios and similar outdoor amenities may be located within areas designated as useable open space. Areas occupied by enclosed buildings (except for gazebos and pavilions), driveways, parking lots, overhead electrical transmission lines, drainage channels and antennas may not be included in calculating useable open space.

(d) Within useable open space areas, there shall be at least one (1) tree for every one thousand (1,000) square feet of space. New trees planted to meet this requirement shall be a minimum three-inch (3") caliper.

(e) A useable open space area must have at least 50 feet of street frontage to ensure that the area is accessible to residents of the subdivision.

(f) Useable open space areas must be easily viewed from adjacent streets and homes.

(3) **Credit for Off-Site Open Space** - At the time of site plan and/or subdivision plat approval, the Planning and Zoning Commission or City Commission may allow up to one-third (1/3) of the required open space to be credited for off-site dedicated open space (e.g., park land) that meets the development's needs in terms of adjacency, accessibility, usability, and design integration. The granting of any off-site credit for open space is a discretionary power of the Planning and Zoning Commission and/or City Commission. The guidelines below may assist in considering if credit is appropriate:

(a) **Adjacency** - Is at least fifteen (15%) percent of the townhouse district development's boundary adjacent to park land?

(b) **Proximity** - Are at least fifty (50%) percent of the townhouse district dwelling

units within a ten-minute walk (1500') of an established developed park without having to cross a major thoroughfare (i.e. U.S. Hwy 80)?

(c) **Accessibility** - Are there defined pedestrian connections between the development and the park land?

(d) **Usability** - Is the park land immediately adjacent to the development suitable for use by residents?

(e) **Design Integration** - Does the design of the development provide a significant visual and pedestrian connection to the park land?

(f) **Landscaped Areas** - Additional common open space and landscaped areas that do not qualify as usable open space may be provided, but shall not be counted toward the usable open space requirement.

I. SPECIAL REQUIREMENTS:

(1) On zero-lot-line Patio Homes a minimum four foot (4') wide maintenance easement shall be placed on the adjacent lot (i.e., the other side of the zero-lot-line) to enable the property owner to maintain that portion of his house which is on the zero-lot-line. Side yards and maintenance easements shall be shown on the subdivision plat. A minimum separation between patio homes of ten feet (10') shall be provided. Roof overhangs will be allowed to project into the maintenance easement a maximum of twenty-four (24") inches.

(2) **Maintenance Requirements for Common Areas** - A mandatory Property Owners Association shall be required to provide for the perpetual maintenance of common land, private streets, open space, and recreational facilities within the Townhome District. In the event the Association fails to maintain such areas, the City may, after notice and an opportunity to cure, perform the required maintenance to protect the public health, safety, or welfare. Any costs incurred by the City shall be the responsibility of the Association and may be recovered in accordance with applicable state law. The Association's governing documents shall acknowledge the City's enforcement authority and maintenance rights as provided herein.

(3) **Refuse Facilities** - Every single-family attached dwelling unit shall be located within two hundred feet (200') of a refuse facility, measured along the designated pedestrian and vehicular travel way. A refuse facility shall be a dumpster or other similar container designed for receiving garbage in bulk for more than one dwelling, and all refuse containers shall be maintained in accordance with local public health and sanitary regulations. Refuse containers shall be located no closer than thirty feet (30') to any adjacent single-family property, shall be located so as to provide safe and convenient pickup by refuse collection agencies, and shall be screened appropriately.

(4) The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited.

(5) A Site Plan shall be required for single-family (detached) or two-family residential developments in which the proposed subdivision will include 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.), 2) a golf course, and/or 3) a gated (restricted access) entrance into the

subdivision. In these instances, Site Plan submission and approval will be required for these elements as part of the Final Plat approval process. Site Plan submission application shall be in accordance with the requirements for a Development Site Plan as described in Section 23.E, but shall not require a public hearing as required by the adoption of a Planned Development if TH zoning is to remain.

(6) Recreational vehicles, travel trailers, motor homes, or manufactured housing may not be used for on-site dwelling purposes.

(7) Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc., which may only be stored in the side or rear yards and which shall be screened from view of public streets and neighboring properties).

(8) Swimming pools shall be enclosed by a security fence not less than four feet (4') in height. All swimming pool security fences shall be constructed so as not to have openings, holes or gaps larger than two (2") inches in dimension, except for doors and gates. All doors and gates shall be equipped with self-closing, self-latching devices.

(9) **Other Regulations** - As established in the Supplementary Development Regulations, Sections 25 through 30.

# SECTION 14: TWO-FAMILY (DUP) RESIDENTIAL DISTRICT

## A. GENERAL PURPOSE AND DESCRIPTION:

The Two-Family Residential (DUP) District is a residential district intended to provide for development of primarily high quality, low-density detached, two-family residences on lots of not less than 6,000 sq. ft. in size, including churches, schools and public parks in logical neighborhood units. Areas zoned for the DUP District shall have, or shall make provision for city water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved streets; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

## B. PERMITTED USES:

Those uses listed for the Two-Family (DUP) Residential District in Section 7 – Use Tables as “P”, “C”, or “T” are authorized uses permitted by right, by Conditional Use Permit (which must be approved utilizing procedures set forth in Section 24).

## C. HEIGHT REGULATIONS:

### (1) Maximum Height:

- a. Two and one-half (2-1/2) stories, and not to exceed thirty-six feet (36'), for the main building/house.
- b. One (1) story or a maximum of eighteen (18') feet for other accessory buildings, including detached garage, garden shed, gazebo, etc.

## D. AREA REGULATIONS:

### (1) Size of Lots:

- a. **Minimum Lot Area** – Six thousand square feet (6,000 square feet)
- b. **Minimum Lot Width** – Sixty feet (60')
- c. **Minimum Lot Depth** - One feet (100')

### (2) Size of Yards:

- a. **Minimum Front Yard** – Twenty-five feet (25')
- b. **Minimum Side Yard** - Seven feet (7') for interior side yard; ten feet (10') for a corner lot on a street for the main building and eight feet (8') for accessory buildings. (Key lots may require additional setbacks)
- c. **Minimum Rear Yard** – Seven feet (7') for the main building and eight feet (8') for any accessory building(s). Detached rear entry garages shall have a minimum of twenty-five feet (25') from the garage door face to the street or alley.

### (3) Parking Regulations

- a. **Two-Family Dwelling Unit** – A minimum of two (2) enclosed parking spaces located behind the front building line on the same lot as the main structure. A paved driveway shall be installed from the street or alley right-of-way line to the garage door with a minimum length of twenty-five feet (25’).
- b. **Other** - See Section 27, Off-Street Parking and Loading Regulations
- c. **Minimum Floor Area per Dwelling Unit** – Twelve hundred (1,200) square feet of air-conditioned floor area per unit. Accessory dwellings are not permitted in this district.
- d. **Maximum Impervious Surface Coverage** – Sixty percent (60%).

E. SPECIAL REQUIREMENTS:

- (1) Recreational vehicles, travel trailers, motor homes or manufactured housing may not be used for on-site dwelling purposes.
- (2) Open storage is prohibited in open view and shall only be stored in the side or rear yards not readily visible from public streets and neighboring properties behind a fence.
- (3) Fences located in the front yard shall be decorative in appearance with a minimum of fifty percent (50%) visibility (i.e. every other picket removed).
- (4) Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25’) from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25’).
- (5) Carports or other detached accessory structures shall not project beyond the front façade of the house and shall be required to match the exterior materials and finish of the main structure if located in the side yard and is visible from the street.
- (6) Swimming pools - See Section 29.
- (7) A Site Plan shall be required for single-family (detached) residential developments in which the proposed subdivision will include 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.), 2) a golf course, and/or 3) a gated (restricted access) entrance into the subdivision. In these instances, Site Plan submission and approval will be required for these elements as part of the Final Plat approval process. Site Plan submission application shall be in accordance with the requirements for a Development Site Plan as described in Section 23.E, but shall not require a public hearing as required by the adoption of a Planned Development if SF-7.5 zoning is to remain.
- (8) **Other Regulations** – As established in the Supplementary Development Regulations, Sections 25 – 30.



# SECTION 15: MULTI-FAMILY (MF) RESIDENTIAL DISTRICT:

## A. GENERAL PURPOSE AND DESCRIPTION:

The Multi-Family Residential (MF) District is an attached mixed-use residential district intended to provide the highest residential density in close proximity to retail and employment centers. The principal permitted land uses shall include nonresidential uses on the street level with multiple-family dwellings above or live/work units on the street level with multi-family dwellings above. All multi-family structures adjacent to street frontages shall be located facing public street frontages with a minimum ten feet (10') wide landscape buffer and a maximum of two (2) rows of parking for the nonresidential uses located on the ground floor. Residential parking shall be located at the rear of the structures. This district shall be located adjacent to General Commercial (C) or Light Industrial (LI) Districts and serve as a buffer between non-residential development or heavy automobile traffic and medium- or low-density residential development as well as support for retail or employment centers. Live/work units are defined as ground floor units structurally designed to accommodate nonresidential uses with a home-based occupation, office or small-scale low impact retail business (i.e. ADA accessibility built-in for example) which typically start out as residential dwelling units but can be also be used for permitted fulltime nonresidential uses. Lease contracts shall not prohibit or eliminate allowed live-work or other permitted nonresidential uses. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this district. Areas zoned for the MF District shall have, or shall make provision for, city water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved drive aisles with logical and efficient vehicular circulation patterns.

## B. PERMITTED USES:

- (1) Those uses listed for the MF District in Section 7 Use Charts as “P” are authorized uses permitted by right or acceptable temporary uses (which must be approved by the City Manager). Permitted nonresidential uses in ground floor or street level units shall be office, personal services or small dry goods retail with the following exceptions which are not allowed: restaurants or food preparation of any kind. No Conditional Use Permits (CUP) shall be allowed.
- (2) Nonresidential business uses shall only be allowed to operate or be open for business between 7:00 a.m. to 8:00 p.m. daily.

## C. HEIGHT REGULATIONS:

- (1) **Maximum Height:**
  - a. Three (3) stories, and not to exceed forty-five feet (45'), for the main building(s). Buildings exceeding two (2) stories in height shall observe a setback distance of forty-five-feet from any single-family residential property line.
  - b. One story for other accessory buildings, including detached garages, carports, clubhouse, gazebo, mail kiosks, laundry rooms, etc.
  - c. Other requirements (see Section 27).

D. AREA REGULATIONS:

(1) **Size of Lots:**

- a. **Minimum Lot Area** – The minimum lot (i.e., project) size shall be one (1) acre, maximum project size shall not exceed fifteen (15) acres (calculated on gross acreage).
- b. **Minimum Lot Width** - One hundred feet (100')
- c. **Minimum Lot Depth** - One hundred feet (100')

(2) **Size of Yards:**

- a. **Front Yard** – Variable – minimum is based on ten feet (10') wide landscape buffer, one (1) row of parking with drive aisle, and ten feet (10') wide yard between parking and front façade of building. Maximum front yard is based on the same buffer requirements as above but with no more than two (2) rows of parking. Dimensions may vary slightly due to parking spaces being configured as parallel, angled or head-in. All areas adjacent to a street shall be deemed front yards. Street frontages that face a single-family residential or townhouse district may have residential units on the first floor in which case the front yard requirement shall be the same as the residential district (15–25 feet typically) in order to form a more compatible streetscape.
- b. **Minimum Side and Rear Yard** - Fifteen feet (15'), unless adjacent to a single-family, duplex, patio home or single-family attached district then side and rear setbacks shall be according to the height of the multi-family building, as follows: fifteen feet (15') of additional setback per story.
- c. **Building Separation** – spacing between buildings is dependent upon construction type, building height, the presence or absence of openings, etc. and shall comply with the adopted Building and Fire Codes as adopted or amended.

(3) **Minimum Floor Area per Dwelling Unit:**

- a. Efficiency unit – Five hundred fifty (550) square feet per unit.
- b. One-bedroom unit – Six hundred fifty (650) square feet per unit.
- c. Two- or more bedroom unit – Seven hundred Eighty (780) square feet for the first two (2) bedrooms, plus an additional one hundred twenty (120) square feet for every bedroom over two (2) (e.g., three-bedroom unit must have 900 square feet, etc.).

(4) **Maximum Impervious Surface Coverage** – Seventy-five percent (75%) total impervious area including main buildings, accessory buildings, drive-ways and parking areas.

(5) **Parking Regulations:**

- a. Two (2) spaces for each dwelling unit.
- b. One (1) space for each 300 square feet of nonresidential space on the ground floor.
- c. The average number of parking spaces for the total development shall be no less than two (2) spaces per dwelling unit.
- d. No parking space may be located closer than ten feet (10') from any building or closer than two feet (2') from any side or rear lot line.
- e. See Section 27, Off-Street Parking and Loading Requirements, for additional requirements.

(6) **Sign Regulations:** One (1) single or multi-tenant monument business sign shall be permitted per three hundred feet (300') of street frontage with no more than twenty-five square feet per tenant or address. One (1) business sign may be wall mounted near the entrance not to exceed fifteen square feet in size. No business signs are permitted to be mounted above the first floor of any building. All buildings containing residential units shall provide signage that clearly identifies the numbers (i.e., addresses) of the units within each building. Signage shall be visible from entrances into the complex and/or from vehicular drive aisles within the complex such that each individual unit is easy to locate by visitors, delivery persons, and/or emergency personnel.

E. **SPECIAL REQUIREMENTS:**

- (1) All proposed multi-family projects and clustered multiple family dwellings shall have a site plan approved by the Planning and Zoning Commission and City Commission prior to the submittal of building or construction plans for permitting. The site plan may be submitted with either a zoning change request or plat application or stand-alone if the property is already zoned and platted for MF uses.
- (2) **Landscape Area Requirements** – See Section 28 for landscaping requirements in addition to those listed above.
- (3) **Refuse Facilities** - Every multi-family dwelling unit shall be located within two hundred feet (200') of a refuse facility, measured along the designated pedestrian travel way. A refuse facility shall be a dumpster or other similar container designed for receiving garbage in bulk for more than one dwelling, and all refuse containers shall be maintained in accordance with local public health and sanitary regulations. Refuse containers shall be located no closer than thirty feet (30') to any adjacent single-family property, shall be located so as to provide safe and convenient pickup by refuse collection agencies, and shall be located within a screening enclosure that is at least twelve (12") inches taller than the dumpster.
- (4) **Screening Requirements** – See Section 25 for screening requirements.

- (5) Single-family, duplex, patio home or townhouse residential units constructed in this district shall conform to SF-7.5 or TH district standards, respectively.
- (6) Recreational vehicles, travel trailers, motor homes or manufactured housing may not be used for on-site dwelling purposes.
- (7) Open storage is prohibited.
- (8) All points on the exterior facades of all buildings shall be within the prescribed distance of a dedicated fire lane easement as measured by an unobstructed pathway, or route, for fire hoses, in accordance with the adopted International Fire Code, National Fire Protection Association Life Safety Code 101 (NFPA 101), or as determined by the Fire Marshal.
- (9) A four-foot (4') wide paved walkway shall connect the front door of each ground floor unit to a parking area. The minimum width of any sidewalk adjacent to head-in parking spaces shall be six feet (6') to accommodate a two-foot (2') bumper overhang for vehicles or four feet (4') wide with a permanent curb stop installed.
- (10) Buildings shall not exceed two hundred feet (200') in length.
- (11) Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversize parking areas are provided. This parking area shall not be used to meet the minimum parking requirements and shall not be visible from a public street.
- (12) All parking areas shall have appropriate lighting and shall be positioned such that no light adversely impacts adjacent residential areas.
- (13) All buildings within a non-residential development shall be architecturally compatible with each other, in that they shall use similar exterior finish colors and materials to achieve an overall, visually compatible appearance when viewed from the street.
- (14) Gated/secured entrances shall be in accordance with the design standards for gated/secured entrances on private streets (see the Subdivision Ordinance).
- (15) **Other Regulations** - As established in the Development Standards, Sections 25 through 30.

## SECTION 16: MANUFACTURED HOME (MH) SUBDIVISION DISTRICT

### A. PURPOSE AND SCOPE

- (1) The Manufactured Home Subdivision (MH) District is designed to provide areas for the location of HUD Code Manufactured Homes in an attractive, low density setting and ensure the presence of amenities required for satisfactory quality of life in areas designated for manufactured home use.
- (2) The Manufactured Home Subdivision (MH) District is a detached residential district establishing standards for the development of HUD-code Manufactured Home Subdivisions, MH Parks and MH Rental Communities. A HUD-Code Manufactured Home Subdivision shall be defined as individually platted lots available for sale, lease or rental for the placement of manufactured home units which may either be privately owned, leased or rented. There is no distinction between a Manufactured Home Subdivision, Manufactured Home Park or Manufactured Home Rental Community in that the minimum dwelling unit size, lot size, layout of streets, utilities, and other infrastructure requirements are the same regardless of ownership of the individual lots and dwelling units.
- (3) All MH subdivisions with twenty-five (25) or more lots shall provide open space and recreational areas appropriate for the acreage and number of units contained. Areas zoned for the MH district shall have, or shall make provision for, City of Breckenridge water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

### B. PRINCIPAL PERMITTED USES

- (1) HUD Code Manufactured Home; and
- (2) Public parks, playgrounds, recreational and community center buildings and grounds; public golf courses, public swimming pools, tennis courts and similar recreational uses, all of a noncommercial nature.
- (3) Any principal building or any swimming pool shall be located not less than one hundred (100) feet from any property line of any other residential district.
- (4) Mobile homes (are prohibited within the City limits and shall not be used as a dwelling unit in any zoning district.
- (5) Those uses listed for the MH Subdivision District in Section 7 - Use Tables as "P", "C", or "T" are authorized uses permitted by right, by conditional use permit (which must be approved utilizing procedures set forth in Section 24).

- (6) Single-family detached homes, management offices or clubhouses built in this district shall comply with the Single-Family (SF-7.5) Residential District requirements including height, setbacks, exterior façade materials, minimum dwelling size, etc. (see Section 11).

C. AREA REGULATIONS:

- (1) **Orientation of the Dwelling Unit** – Manufactured Homes may be either oriented perpendicular or parallel to the abutting street; however, the two types may not be mixed together in the same subdivision.
- (2) **Size of Yards** (for each lot within a manufactured home subdivision):
  - a. **Minimum Front Yard** - Twenty feet (20') from a dedicated street or from any private street or drive.
  - b. **Minimum Side Yard** – ten (10%) percent of the lot width with a minimum of twelve (12') feet between units; twenty feet (20') from zoning district boundary line; fifteen feet (15') for a corner lot on a residential or collector street, and twenty feet (20') for a corner lot on an arterial street.
  - c. **Minimum Rear Yard** – Twenty feet (20').
  - d. If a garage is provided, the entry (i.e., door) side of the garage shall have a twenty-five-foot (25') setback as measured from any property or street right-of-way line.
- (3) **Size of Lots** (for each lot within a manufactured home subdivision):
  - a. **Minimum Lot Area** - Six thousand (6,000) square feet per lot
  - b. **Minimum Lot Width** – Sixty feet (60') – perpendicular orientation  
One hundred feet (100') – parallel orientation
  - c. **Minimum Lot Depth** – One hundred feet (100') – perpendicular orientation  
sixty feet (60') – parallel orientation
- (4) **Minimum Floor Area per Dwelling Unit:** Twelve hundred (1,200) square feet.
- (5) **Maximum Lot Coverage:** Fifty percent (60%) for main building/unit plus any accessory buildings.
- (6) **Parking Regulations:** Two (2) spaces per unit, one of which must be covered or enclosed, located on the same lot as the unit served (See Section 27, Off-Street Parking and Loading)
- (7) **Area for Manufactured Home Subdivision** – Minimum subdivision area shall be five (5) acres; maximum subdivision area shall not exceed fifty (50) acres.
- (8) **Maximum Height Limit:**

- a. One (1) story, not to exceed eighteen (18') feet for the main manufactured home.
- b. One (1) story, for other accessory buildings, including detached garages and carports, gazebos, mail kiosks, etc., not to exceed eighteen (18') feet.
- c. Other requirements (see Section 27).

(9) **Minimum Exterior Construction Standards** – None (manufactured homes only – all other structures shall conform to Section 29).

(10) **Maximum Impervious Surface Coverage** – Sixty percent (60%).

(11) **Development Standards:**

- a. A pitched roof having a minimum of 4:12 is required with a minimum six-inch (6") overhang.
- b. Manufactured housing design and construction will comply with manufactured housing construction and safety standards published by the Department of Housing and Urban Development (HUD) pursuant to the requirements of the Texas Manufactured Housing Standards Act (Chapter 1201, Texas Occupations Code, as amended) and all manufactured housing will be subject to inspection by the Building Official, or his designee.
- c. All manufactured housing within the City shall be anchored on a permanent concrete foundation in accordance with Federal guidelines as stated in the "Permanent Foundation Guide for Manufactured Housing" (HUD 7584). Any additions to the original structure, such as rooms, storage, or garages shall be constructed on a solid concrete slab.
- d. Covered porches, patios and decks shall be constructed on-site, and shall not be located closer than five (5') feet from any property line.
- e. Axles and tongues shall be removed, such that the manufactured housing unit becomes permanently placed upon the site.
- f. Any siding or sheathing used on housing units (or on buildings added onto housing units) shall be compatible with materials used on surrounding structure.

D. **SUPPLEMENTAL REQUIREMENTS FOR MH-6 SUBDIVISIONS:**

(1) **Tenant Parking** - Each parking space shall be an approved all-weather surface, in accordance with City standards, and shall be located to eliminate interference with access to parking areas provided for other manufactured homes and for public parking in the park (See Section 27, Off-Street Parking and Loading Requirements).

(2) **Access:**

- a. Each manufactured home subdivision shall have direct access from an improved public street in accordance with Chapter 18 of this Code.
  - b. Where an internal private street provides access to individual lots or dwelling units, the same shall be paved in accordance with City standards, and it shall be dedicated to the public as an emergency access or fire lane easement to allow for the rapid and safe movement of vehicles used in providing emergency health or public safety services.
  - c. All MH Subdivisions with private streets and/or sidewalks shall have a mandatory Property Owner's Association which shall have in its by-laws provisions for the maintenance of all private access infrastructure including streets, sidewalks and common parking lots within the subdivision (see Subsection (4) below).
  - d. Each emergency access/fire lane easement shall have a clear unobstructed width as specified in the adopted International Fire Code, shall connect to a dedicated public street, and shall meet the minimum required turning area and radii to permit free movement of emergency vehicles.
  - e. Dead end streets are not allowed without an approved turn around in accordance with Appendix D of the adopted Fire Code. Fire lane easements shall be maintained by the manufactured home subdivision.
- (3) **Maintenance Requirements for Common Areas** - A mandatory Property Owners Association shall be required to provide for the perpetual maintenance of common land, private streets, open space, and recreational facilities within the Townhome District. In the event the Association fails to maintain such areas, the City may, after notice and an opportunity to cure, perform the required maintenance to protect the public health, safety, or welfare. Any costs incurred by the City shall be the responsibility of the Association and may be recovered in accordance with applicable state law. The Association's governing documents shall acknowledge the City's enforcement authority and maintenance rights as provided herein.
- (4) **Walkways** - Designated concrete walkways four feet (4') in width will be provided on both sides of roadways or streets public or private.
- (5) **Street Names and Signs** - Within each manufactured home subdivision, all streets shall be named, and manufactured homes numbered in a logical and orderly fashion. Private street signs shall be of a color and size contrasting with those on public streets and roadways so that there is no confusion regarding which are private and which are public streets. These signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles. Street names shall be submitted to the city administrator (or designee) along with the subdivision plat application, reviewed by the appropriate City staff with respect to street naming procedures set forth within the Subdivision Ordinance and/or the City's Ordinances, and approved by the Planning and Zoning Commission and the City Commission on the preliminary plat for the subdivision. The street names shall be set with preliminary plat approval, and shall not be changed on the final plat without City approval. All dwelling unit numbering (i.e., addressing) shall be assigned by the Developer and approved by the City.

- (6) **Other Signs** - Along all sections of emergency access easements, the owner or agent shall erect metal signs prohibiting parking. The sign type, size, height and location shall be in accordance with the Manual of Uniform Traffic Control Devices and approved by the City.
- (7) **Intersections** - Internal streets shall intersect adjoining public streets at approximately ninety degrees (90°) and at locations which will eliminate or minimize interference with traffic on those public streets.
- (8) **Street Lighting** - Street lighting along public and private streets within the manufactured home subdivision shall be provided in accordance with Chapter 18, and shall be maintained by the property owner's association of the manufactured home park if along private streets.
- (9) **Electric and Telephone Service** - All electrical distribution lines and all telephone lines shall be underground except the primary service lines to the subdivision.
- (10) **Drainage and Soil Protection** - The ground surface in all parts of the subdivision shall be graded and equipped to drain all surface water in a safe, efficient manner. Each manufactured home lot shall provide adequate drainage for the placement of a manufactured home. Exposed ground surfaces in all parts of every manufactured home subdivision shall be protected with a vegetative growth (such as grass) capable of preventing soil erosion and eliminating dust or paved and/or covered with erosion resistant but porous materials, such as, decomposed crushed granite, stone, brick paving, or other similar solid material.
- (11) **Fire Fighting:**
  - a. Approaches to all manufactured homes shall be kept clear for firefighting.
  - b. The owner or agent of a manufactured home subdivision shall be responsible for the instruction of any staff in the use of the park fire protection equipment and in their specific duties in the event of a fire. Owner shall install standard City fire hydrants located at three hundred feet (300') intervals along all internal streets public or private.
  - c. The owner or agent of a manufactured home park shall be responsible for maintaining the entire area of the park free of dry brush, leaves and weeds in excess of six inches (6") in height.
- (12) **Refuse Facilities** – If refuse services are not provided to individual lots then every manufactured home dwelling unit shall be located within one hundred fifty feet (150') of a common refuse facility, measured along the designated pedestrian travel way. A refuse facility shall be a dumpster or other similar container designed for receiving garbage in bulk for more than one dwelling, and all refuse containers shall be maintained in accordance with local public health and sanitary regulations. Refuse containers shall be located no closer than thirty feet (30') to any adjacent single-family property, shall be located so as to provide safe and convenient pickup by refuse collection agencies, and shall be screened in accordance with Section 25 of this Chapter.

(13) **Anchorage of Manufactured Homes** - To insure against natural hazards such as tornados, high winds and electrical storms, anchorage for each manufactured home shall be provided according to the Building Code and State law.

(14) **Skirting:**

- a. All manufactured home units shall provide skirting from the top of the unit's frame to grade. Skirting shall totally enclose and secure from view the unit's axles and all required anchors, footings, and piers.
- b. All required skirting shall be masonry (or an approved substitute of equal durability) resistant to impact damage by weed trimmers or lawnmowers and shall be of a color similar to the materials used in the construction of the manufactured home unit such that it blends with the overall appearance of the unit.

E. **SPECIAL REQUIREMENTS:**

- (1) Single-family, townhouse residential units constructed in this district shall conform to SF-7.5 or TH district standards, respectively.
- (2) Open storage is prohibited.
- (3) **Usable Open Space Requirements** – Except as provided below, any manufactured home development shall provide useable open space that equals or exceeds ten percent (10%) of the total land area within the development. Usable open space areas shall be in conformance with Section 28.
- (4) One playground area containing at least five (5) pieces of play equipment shall be provided for every one hundred (100) dwelling units. The playground equipment shall be of heavy-duty construction, such as is normally used in public parks or on public school playgrounds.
- (5) Site Plan submission and approval (see Section 23.E) shall be required for any manufactured home subdivision in the MH District. Such Site Plan approval shall not require a public hearing as required unless the site plan submittal is part of a zoning change request to establish an MH District zoning classification.
- (6) **Other Regulations** - As established in the Supplementary District Regulations, Sections 25 through 30.

# SECTION 17: GENERAL COMMERCIAL DISTRICT (C) DISTRICT

## A. GENERAL PURPOSE AND DESCRIPTION:

The General Commercial (C) District is a general business and retail district established to provide areas for local and regional shopping, small businesses and personal service facilities for the retail sales of goods and services. These shopping areas should utilize established landscape and buffering requirements. The General Commercial District should take advantage of adjacency or close proximity to major collectors or thoroughfares and associated intersections to accommodate higher traffic volumes and be readily visible to the shopping public.

## B. PERMITTED USES:

Those uses listed for the R district in Section 7 - Use Charts as “P”, “C”, or “T” are authorized uses permitted by right, by conditional use permit (which must be approved utilizing procedures set forth in Section 24).

## C. HEIGHT REGULATIONS:

### (1) Maximum Height:

- (a) Two (2) stories, and not to exceed thirty-five feet (35'), for the main building(s).
- (b) One (1) story for accessory buildings.
- (c) Other (Section 29).

## D. AREA REGULATIONS:

### (1) Size of Lot:

- (a) **Minimum Lot Area** - Ten thousand (10,000) square feet
- (b) **Minimum Lot Width** - One hundred feet (100')
- (c) **Minimum Lot Depth** - One hundred feet (100')

### (2) Size of Yards:

- (1) **Minimum Front Yard** - Twenty-five feet (25'). All yards adjacent to a street shall be considered a front yard (see Section 27 for additional setback requirements)
- (2) **Minimum Side and Rear Yard** - Fifteen feet (15') unless adjacent to a residentially zoned property (see below).
  - a. **Interior Side Yards** - When retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the City's Building Code.
  - b. **Minimum Side or Rear Yard Adjacent to a Residential District** – Twenty feet (20') for one-story building, and an additional ten feet (10') for every story (or fraction thereof) above one-story in height.

- c. Side and rear yards may be required to be enlarged if the adopted Fire Code requires a fire lane.
- (3) **Maximum Lot Coverage** – Fifty percent (50%) including main and accessory buildings; maximum eighty percent (80%) impervious coverage (including all buildings, parking areas, sidewalks, etc.)
  - (4) **Maximum Floor-Area-Ratio (FAR)** – One to one (1:1)
  - (5) **Parking Requirements** - As established by Section 2, Off-Street Parking and Loading Requirements.
  - (6) **Minimum Exterior Construction Standards** – See Section 29.
- E. SPECIAL REQUIREMENTS:
- (1) **Driveway Spacing** (i.e., distance between driveways, measured edge-to-edge):
    - (a) Arterial street – One driveway per two hundred (200) linear feet of frontage
    - (b) Collector street – One driveway per one hundred (100) linear feet of frontage
    - (c) Local street – One driveway per fifty (50) linear feet of frontage
  - (2) **Landscaping Requirements** – See Section 28.
  - (3) **Screening Requirements** – See Section 25.
  - (4) **Temporary Outdoor Retail Sales** - Temporary outdoor retail sales, which involve the outside display of merchandise and seasonal items, shall be limited to the following:
    - a. Shall not be placed/located closer than thirty feet (30') to any street right-of-way, or closer than fifteen feet (15') to any other property line.
    - b. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
    - c. Shall not extend into public right-of-way or onto adjacent property.
    - d. All outside display items shall be removed at the end of business each day (except for large seasonal items such as Christmas trees).
    - e. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
    - f. Shall not occupy any of the fire lanes or parking spaces that are required by this Ordinance for the primary use(s) of the property.
  - (7) Open storage is limited to a maximum of five percent (5%) of the total lot area, shall not be located in front of (i.e., on the street side of) or on top of the building, and must be screened in accordance with the provisions of Section 23 (i.e., cannot be visible

from any public street or adjacent property). However, a periodic temporary outdoor retail sale, which involves the outside display of seasonal items, is allowed during the appropriate time periods (see provisions in Subsection (4) above).

- (8) Recreational vehicles, travel trailers, motor homes or temporary buildings may not be used for on-site dwelling or permanent nonresidential purposes (excluding permitted food vendors).
- (9) **Other Regulations** - As established in the Development Standards, Sections 25 through 30.

# SECTION 18: RETAIL (R) DISTRICT

## A. GENERAL PURPOSE AND DESCRIPTION:

The Retail (R) District is intended for office facilities, neighborhood shopping facilities, and retail and commercial facilities of a service character. The R District is established to accommodate the daily and frequent needs of the community

## B. PERMITTED USES:

Those uses listed for the R district in Section 7 - Use Charts as “P”, “C”, or “T” are authorized uses permitted by right, by conditional use permit (which must be approved utilizing procedures set forth in Section 24).

## C. HEIGHT REGULATIONS:

### (1) Maximum Height:

- (a) Two (2) stories, and not to exceed thirty-five feet (35'), for the main building(s).
- (b) One (1) story for accessory buildings.
- (c) Other (Section 29).

## D. AREA REGULATIONS:

### (1) Size of Lot:

- (a) **Minimum Lot Area** – Eight thousand (8,000) square feet
- (b) **Minimum Lot Width** - Eighty feet (80')
- (c) **Minimum Lot Depth** - One hundred feet (100')

### (2) Size of Yards:

- (a) **Minimum Front Yard** - Twenty-five feet (25'). All yards adjacent to a street shall be considered a front yard (see Section 27 for additional setback requirements)
- (b) **Minimum Side and Rear Yard** - Seven feet (7') unless adjacent to a residentially zoned property (see below).
- (c) **Interior Side Yards** - When retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the City's Building Code.
- (d) **Minimum Side or Rear Yard Adjacent to a Residential District** – Twenty feet (20') for one-story building, and an additional ten feet (10') for every story (or fraction thereof) above one-story in height.
- (e) Side and rear yards may be required to be enlarged if the adopted Fire Code requires a fire lane.

(3) **Maximum Lot Coverage** – Fifty percent (50%) including main and accessory buildings; maximum ninety percent (90%) impervious coverage (including all buildings, parking areas, sidewalks, etc.)

(4) **Maximum Floor-Area-Ratio (FAR)** – One to one (1:1)

(5) **Parking Requirements** - As established by Section 27, Off-Street Parking and Loading Requirements.

(6) **Minimum Exterior Construction Standards** – See Section 29.

E. SPECIAL REQUIREMENTS:

(1) **Driveway Spacing** (i.e., distance between driveways, measured edge-to-edge):

- (a) Arterial street – One driveway per two hundred (200) linear feet of frontage
- (b) Collector street – One driveway per one hundred (100) linear feet of frontage
- (c) Local street – One driveway per fifty (50) linear feet of frontage

(2) **Landscaping Requirements** – See Section 28.

(3) **Screening Requirements** – See Section 25.

(4) **Temporary Outdoor Retail Sales** - Temporary outdoor retail sales, which involves the outside display of merchandise and seasonal items, shall be limited to the following:

- (a) Shall not be placed/located closer than thirty feet (30') to any street right-of-way, or closer than fifteen feet (15') to any other property line.
- (b) Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
- (c) Shall not extend into public right-of-way or onto adjacent property.
- (d) All outside display items shall be removed at the end of business each day (except for large seasonal items such as Christmas trees).
- (e) All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
- (f) Shall not occupy any of the fire lanes or parking spaces that are required by this Ordinance for the primary use(s) of the property.

(5) Open storage is limited to a maximum of five percent (5%) of the total lot area, shall not be located in front of (i.e., on the street side of) or on top of the building, and must be screened in accordance with the provisions of Section 23 (i.e., cannot be visible from any public street or adjacent property). However, a periodic temporary outdoor retail sale, which involves the outside display of seasonal items, is allowed during the appropriate time periods (see provisions in Subsection (4) above).

(6) Recreational vehicles, travel trailers, motor homes or temporary buildings may not be used for on-site dwelling or permanent nonresidential purposes (excluding permitted food vendors).

(7) **Other Regulations** - As established in the Development Standards, Sections 25 through 30.

## SECTION 19: DOWNTOWN (DT) DISTRICT

A. GENERAL PURPOSE AND DESCRIPTION:

The Downtown (DT) District is intended to preserve and promote a vibrant, pedestrian-oriented area that serves as the cultural, economic, and social heart of the community. The DT District accommodates a mix of retail, office, dining, entertainment, and residential uses that contribute to a dynamic, lively atmosphere while maintaining the historic and architectural character of the area.

**B. PERMITTED USES:**

Those uses listed for the DT district in Section 7 - Use Charts as “P”, “C”, or “T” are authorized uses permitted by right, by conditional use permit (which must be approved utilizing procedures set forth in Section 24).

**C. HEIGHT REGULATIONS:**

**(1) Maximum Height:**

- (a) No structure shall exceed sixty (45) feet in height.
- (b) Other (Section 29).

**D. AREA REGULATIONS:**

**(1) Size of Lot:** There are no minimum dimensions for lots in this District but dimensions shall be approved for the proposed use by the Planning and Zoning Commission.

**(2) Building setbacks:**

- (a) **Front Setback** - No front setback is required.
- (b) **Overhang Setback** - No part of a building, exclusive of awnings or signs, shall extend on or over a sidewalk. In the absence of a sidewalk, no part of a building, exclusive of awnings and signs, shall extend from the building closer than twelve (12) feet from the edge of a paved road.
- (c) **Rear Setback** – No rear setback is required, except that an open space buffer zone of not less than fifteen (10) feet shall be required between adjacent structures.
- (d) **Side Setback** – No side setback is required due to firewalls being required in this district.

**(3) Building Placement and Orientation:**

- (a) Buildings on primary street frontages within the Downtown District shall not be set back from the front property line. Rather, they shall be located immediately adjacent to the back edge of the public sidewalk right-of-way. Buildings shall be oriented parallel to the major street frontage, and the ground floor of the building shall be at the public sidewalk level with entries to lease space and outdoor areas directly accessible from the sidewalk. Driveways shall be located on alley frontages in order to maximize on-street parking and minimize disruptions to traffic flow.
- (b) Covered walkways (such as arbors and awnings) shall be placed along the fronts of buildings to create a “pedestrian-friendly” orientation, provide weather protection and add a visual interest at the street level.

(c) All service canopies, such as gasoline pump canopies, drive-thru lanes, service functions, and accessory structures shall be located away from the intersections. The overall site layout shall include locations where these uses are compatible with residential developments and increased landscaping or screening to further separate these uses from adjacent residential developments.

(d) Service windows and stacking lanes for drive-thru business shall not face public rights-of-way.

(e) Loading and delivery service areas shall be located and designed to minimize their visibility, circulation conflicts, and adverse noise impacts to the maximum feasible extent. They shall be screened with portions of the building, architectural wing walls, freestanding walls, and landscaping. They shall not be located in required setback areas.

**(4) Site Design:**

(a) Street corners shall be developed with building entrances, public plazas, or small parks that make it an active portion of the development.

(b) All utility lines (power, phone, cable, etc.) shall be placed under ground except where deferrals have been recommended by the City Planning Department and approved by the Planning and Zoning Commission. All connections from trunk lines to individual structures shall be underground.

(c) Architectural and/or landscape elements shall be designed to provide shade on south and west exposures to protect patrons in plazas, patios, and/or other public spaces.

(d) Accessory structures such as trash enclosures, utility services, and heating/cooling systems shall be screened from view of neighboring building sites and roadways and shall be constructed to reduce noise transmission to acceptable levels at adjoining properties and public spaces. Materials to screen around these systems shall match or compliment adjacent building materials. Gates shall not allow for view of the contents of the enclosure.

(e) Satellite receivers or transmitters, television antennas, radio antennas, or other receiving devices shall be screened from public view.

**(5) Maximum Lot Coverage** – Fifty percent (50%) including main and accessory buildings; maximum ninety percent (90%) impervious coverage (including all buildings, parking areas, sidewalks, etc.)

**(6) Maximum Floor-Area-Ratio (FAR)** – One to one (1:1)

**(7) Parking Requirements** - As established by Section 27, Off-Street Parking and Loading Requirements.

**(8) Minimum Exterior Construction Standards** – See Section 29.

**E. SPECIAL REQUIREMENTS:**

(1) **Driveway Spacing** (i.e., distance between driveways, measured edge-to-edge):

- (a) Arterial street – One driveway per two hundred (200) linear feet of frontage
- (b) Collector street – One driveway per one hundred (100) linear feet of frontage
- (c) Local street – One driveway per fifty (50) linear feet of frontage

(2) **Landscaping Requirements** – See Section 28.

(3) **Screening Requirements** – See Section 25.

(4) **Temporary Outdoor Retail Sales** - Temporary outdoor retail sales, which involves the outside display of merchandise and seasonal items, shall be limited to the following:

- (a) Shall not be placed/located closer than thirty feet (30') to any street right-of-way, or closer than fifteen feet (15') to any other property line.
- (b) Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
- (c) Shall not extend into public right-of-way or onto adjacent property.
- (d) All outside display items shall be removed at the end of business each day (except for large seasonal items such as Christmas trees).
- (e) All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
- (f) Shall not occupy any of the fire lanes or parking spaces that are required by this Ordinance for the primary use(s) of the property.

(5) Open storage is limited to a maximum of five percent (5%) of the total lot area, shall not be located in front of (i.e., on the street side of) or on top of the building, and must be screened in accordance with the provisions of Section 23 (i.e., cannot be visible from any public street or adjacent property). However, a periodic temporary outdoor retail sale, which involves the outside display of seasonal items, is allowed during the appropriate time periods (see provisions in Subsection (4) above).

(6) Recreational vehicles, travel trailers, motor homes or temporary buildings may not be used for on-site dwelling or permanent nonresidential purposes (excluding permitted food vendors).

(7) **Other Regulations** - As established in the Development Standards, Sections 25 through 30.

# SECTION 20: RECREATIONAL (REC) DISTRICT

## A. GENERAL PURPOSE AND DESCRIPTION:

The Recreational (REC) District is designed to promote the development and use of land for recreational activities and facilities. This district accommodates a range of outdoor and leisure - oriented uses, such as RV parks, campgrounds, lakeside parks, and other facilities that enhance public enjoyment and tourism. The district emphasizes preserving natural landscapes while allowing for amenities that support recreation, relaxation, and community engagement. Small-scale commercial sales and services, such as bait shops, kayak rentals, and camping supply stores, are also permitted under approval to enhance the recreational experience and provide convenience for visitors, while maintaining the district's natural aesthetic and character.

## B. PERMITTED USES:

Those uses listed for the Recreational (REC) District in Section 7 – Use Tables as “P”, “C or “T” are authorized uses permitted by right, by conditional use permit (which must be approved utilizing procedures set forth in Section 24).

Small-scale commercial development, such as retail or service uses that support recreational activities, may be permitted through a special approval process to ensure compatibility with the district’s intended use and aesthetics.

## C. HEIGHT REGULATIONS:

- (1) **Maximum Height:**
  - (a) Two and one-half (2-1/2) stories, and not to exceed thirty-six feet (36'), for the main building.
  - (b) One (1) story or a maximum of eighteen (18') feet for other accessory buildings
  - (c) Other (Section 29).

## D. AREA REGULATIONS:

- (1) **Size of Lot:**
  - (a) **Minimum Lot Area** – Two (2) acres for RV parks and one (1) acre for other recreational uses.
  - (b) **Minimum Lot Width** - One hundred feet (100')
  - (c) **Minimum Lot Depth** - One hundred fifty feet (150')
- (2) **Size of Yards:**
  - (a) **Minimum Front Yard** – Twenty-five feet (25')
  - (b) **Minimum Side Yard** - Fifteen feet (15') for interior side yards; twenty feet (20') for corner lots. (Key lots may require additional setbacks)
  - (c) **Minimum Rear Yard** – Twenty-five feet (25') for the main building and eight feet (8') for any accessory building(s).
- (3) **Parking Regulations**

(a) Recreational Vehicle Parks (RV Parks) – A minimum of one (1) parking space per RV site, which may be provided as part of the RV pad. One (1) visitor parking space for every five (5) RV sites, located in a centralized or distributed parking area.

(b) Other - One (1) parking space per four (4) persons based on the facility's maximum capacity (e.g., campgrounds, clubhouses, or event spaces). For outdoor recreational areas without a defined capacity (e.g., picnic areas, trails), one (1) parking space per 1,000 square feet of active use area

(4) **Maximum Impervious Surface Coverage** – Forty percent (40%) of the total lot area to ensure preservation of open spaces and natural features.

E. DESIGN GUIDELINES

(1) **General Layout:**

(a) Recreational facilities should be designed to integrate with the natural landscape, preserving existing trees, vegetation, and topography wherever feasible.

(b) Internal pathways and roads must prioritize safety, with clear signage, lighting, and pedestrian access where appropriate.

(2) **Landscaping and Buffers:** A minimum ten-foot (10') landscaped buffer is required along all property lines adjoining residential districts.

(3) **Lighting:**

(a) All outdoor lighting must be shielded and directed downward to reduce glare and prevent light spillover onto adjacent properties

(b) Lighting intensity must comply with dark-sky standards to preserve night visibility and reduce light pollution

F. SPECIAL REQUIREMENTS

(1) Owners or operators of recreational facilities must maintain all grounds, landscaping, and amenities in a clean and safe condition. A property manager or caretaker must be available on-site or within a reasonable distance to address emergencies.

(2) Properties with direct lake or river access must include erosion control measures and maintain a vegetative buffer zone of at least twenty feet (20') along the waterline.

(3) Docks, piers, or boat ramps must be constructed with appropriate permits and adhere to state and federal water body regulations.

(4) Development must comply with all applicable local, state, and federal environmental regulations, including wetlands, floodplain management, and wildlife habitat protections.

(5) Noise levels from recreational activities must not exceed local ordinances to prevent disturbances to neighboring properties.

(6) **Other Regulations** – As established in the Supplementary Development Regulations, Sections 25 – 30.

# SECTION 21: LIGHT INDUSTRIAL (LI) DISTRICT

## A. GENERAL PURPOSE AND DESCRIPTION:

The Light Industrial (LI) District is intended primarily for the conduct of light manufacturing, assembling and fabrication activities, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses do require accessibility to major thoroughfares, major highways, and/or other means of transportation such as the railroad.

## B. PERMITTED USES:

Those uses listed for the LI district in Section 7 - Use tables as "P", "C", or "T" are authorized uses permitted by right, by conditional use permit (which must be approved utilizing procedures set forth in Section 24).

## C. HEIGHT REGULATIONS:

- (1) **Maximum Height:**
  - a. Three stories or forty-five feet (45') for the main building(s), twenty-five feet (25') or one-story for accessory buildings. Note: height may be restricted if residential adjacency setback criteria listed below cannot be met.
  - b. Other (Section 29).

## D. AREA REGULATIONS:

- (1) **Size of Lot:**
  - a. **Minimum Lot Area** - Ten thousand (10,000) square feet
  - b. **Minimum Lot Width** – One hundred feet (100')
  - c. **Minimum Lot Depth** – One hundred feet (100')
- (2) **Size of Yards:**
  - a. **Minimum Front Yard** – Twenty-five feet (25'). All yards adjacent to a street shall be considered a front yard (see Section 27 for additional setback requirements).
  - b. **Minimum Side and Rear Yard** – Ten feet (10') unless adjacent to a residentially zoned property (see below). Side and rear yards may be required to be enlarged if the adopted Fire Code requires a fire lane.
  - b. **Minimum Side or Rear Yard Adjacent to a Residential District** – Thirty feet (30') for one-story building, and an additional fifteen feet (15') for every story (or fraction thereof) above one-story in height.
- (1) **Maximum Lot Coverage** – Sixty percent (60%) including main and accessory buildings; maximum ninety percent (90%) impervious coverage (including all buildings, parking areas, sidewalks, etc.)
- (2) **Maximum Floor-Area-Ratio (FAR)** – Four to one (4:1).

(3) **Parking Requirements** - As established by Section 27, Off-Street Parking and Loading Requirements.

(4) **Minimum Exterior Construction Standards** – See Section 29.

E. SPECIAL REQUIREMENTS:

(1) **Driveway Spacing** (i.e., distance between driveways, measured edge-to-edge):

- a. Arterial street – One driveway per two hundred (200) linear feet of frontage
- b. collector street – One driveway per one hundred (100) linear feet of frontage
- c. Local street – One driveway per fifty (50) linear feet of frontage

(2) **Landscaping Requirements** – See Section 28.

(3) **Screening Requirements** – See Section 25.

(4) Open storage is limited to a maximum of twenty percent (20%) of the total lot area, shall not be located in front of (i.e., on the street side of) or on top of the building, and must be screened in accordance with the provisions of Section 25 (i.e., cannot be visible from any public street or adjacent property).

(5) Recreational vehicles, travel trailers, motor homes or temporary buildings may not be used for on-site dwelling or permanent nonresidential purposes.

(6) **Other Regulations** - As established in the Development Standards, Sections 25 through 30.

# SECTION 22: HEAVY INDUSTRIAL (I) DISTRICT

## A. GENERAL PURPOSE AND DESCRIPTION:

The Heavy Industrial (I) District is intended primarily for the conduct of heavy manufacturing, assembling and fabrication activities, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses do require accessibility to major thoroughfares, major highways, and/or other means of transportation such as the railroad.

## B. PERMITTED USES:

Those uses listed for the I district in Section 7 - Use tables as "P", "C", or "T" are authorized uses permitted by right, by conditional use permit (which must be approved utilizing procedures set forth in Section 24).

## C. HEIGHT REGULATIONS:

### (1) Maximum Height:

- a. Three stories or forty-five feet (45') for the main building(s), twenty-five feet (25') or one-story for accessory buildings. Note: height may be restricted if residential adjacency setback criteria listed below cannot be met.
- b. Other (Section 29).

## E. AREA REGULATIONS:

### (1) Size of Lot:

- a. **Minimum Lot Area** - Ten thousand (10,000) square feet
- b. **Minimum Lot Width** – One hundred feet (100')
- c. **Minimum Lot Depth** – One hundred feet (100')

### (2) Size of Yards:

- a. **Minimum Front Yard** – Twenty-five feet (25'). All yards adjacent to a street shall be considered a front yard (see Section 27 for additional setback requirements).
- b. **Minimum Side and Rear Yard** – Ten feet (10') unless adjacent to a residentially zoned property (see below). Side and rear yards may be required to be enlarged if the adopted Fire Code requires a fire lane.
- c. **Minimum Side or Rear Yard Adjacent to a Residential District** – Thirty feet (30') for one-story building, and an additional fifteen feet (15') for every story (or fraction thereof) above one-story in height.

### (3) Maximum Lot Coverage – Sixty percent (60%) including main and accessory buildings; maximum ninety percent (90%) impervious coverage (including all buildings, parking areas, sidewalks, etc.)

### (4) Maximum Floor-Area-Ratio (FAR) – Four to one (4:1).

- (5) **Parking Requirements** - As established by Section 27, Off-Street Parking and Loading Requirements.
- (6) **Minimum Exterior Construction Standards** – See Section 29.

F. SPECIAL REQUIREMENTS:

- (1) **Driveway Spacing (i.e., distance between driveways, measured edge-to-edge):**
  - a. Arterial street – One driveway per two hundred (200) linear feet of frontage
  - b. Collector street – One driveway per one hundred (100) linear feet of frontage
  - c. Local street – One driveway per fifty (50) linear feet of frontage
- (2) **Landscaping Requirements** – See Section 28.
- (3) **Screening Requirements** – See Section 25.
- (4) Open storage is limited to a maximum of twenty percent (20%) of the total lot area, shall not be located in front of (i.e., on the street side of) or on top of the building, and must be screened in accordance with the provisions of Section 25 (i.e., cannot be visible from any public street or adjacent property).
- (5) Recreational vehicles, travel trailers, motor homes or temporary buildings may not be used for on-site dwelling or permanent nonresidential purposes.
- (6) **Other Regulations** - As established in the Development Standards, Sections 25 through 30.

# ARTICLE IV: OVERLAY AND SPECIAL DISTRICTS

## SECTION 23: PLANNED DEVELOPMENT DISTRICT (PD)

### A. PURPOSE AND SCOPE

The PD Planned Development District is designed to provide flexibility in development planning and the opportunity for the application of planning concepts. A Planned Development zoning application shall require the submission and approval of a concept plan. Within six (6) months of the PD zoning approval a development site plan shall be submitted for review and approval which shall be in substantial conformance with the approved concept plan.

The City Commission after public hearing and proper notice to all parties affected, and after recommendation from the Planning and Zoning Commission, may require the creation of Planned Development Districts when any of the following developments are being considered:

- (1) Large shopping center;
- (2) Housing development on tracts of five (5) acres or more;
- (3) Industrial parks or districts on tracts of ten (10) acres or more;
- (4) Medical center or hospital;
- (5) Civic center and/or community center;
- (6) Office, motel or hotel center on tracts of two (2) acres or more;
- (7) Recreation center;
- (8) Research park or scientific research center; or
- (9) A combination of uses, which are not customarily allowed in any one of the districts established in this ordinance.

B. The Planned Development (PD) district is an overlay district which maintains an association with the underlying base zoning but accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., single-family, multi-family, duplex, etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A Planned Development district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this Chapter, to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes:

- (1) To provide for a superior design on lots or buildings;

- (2) To provide for increased recreation and open space opportunities for public use and enjoyment;
- (3) To provide amenities or features that would be of special benefit to the property users or to the overall community;
- (4) To protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes, aesthetic views, or wildlife habitats;
- (5) To protect or preserve existing historical buildings, structures, features or places;
- (6) To provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services; and
- (7) To meet or exceed the standards of this Chapter.

C. While greater flexibility is given to allow special conditions or restrictions that would not otherwise allow the development to occur, procedures are established herein to ensure against misuse of increased flexibility. A PD district overlay is not intended nor will it be allowed to be a means of circumventing the basic standards of any district or requirements of this ordinance or other adopted codes.

D. APPLICATION PROCEDURES

Application for a PD District shall be made in the same manner as an application for any amendment to the zoning ordinance and shall include the following additional information:

(1) **Proposed Uses**

An application for a PD District shall specify and describe the category or type of use or the combination of uses proposed. Permitted uses under PD zoning shall be specified in each PD ordinance. If such ordinance specifies permitted uses by references to a zoning district, the permitted uses shall include those uses permitted in the reference district, including those permitted through the cumulative provision of this Chapter.

(2) **Development Requirements**

An application for a PD District shall include a list of development requirements, which may be incorporated into the PD ordinance. Development requirements may include, but not be limited to, density, lot size, unit sizes, setbacks, building heights, lot coverage, parking ratios, screening and other requirements the Commission may deem appropriate.

Standards set forth in specific zoning districts will be used as guidelines for planned developments. Modifications of standards may be considered if the modification substantially meets the intent of the ordinance and improves the overall development design, or if a unique project design is proposed which cannot readily be accommodated through other districts. Pecuniary reasons shall not be the sole reason for modifying standards.

(3) **Concept Plan**

An application for a PD District shall include a concept plan showing the relationship to existing natural features and adjacent properties and uses. The concept plan shall be construed as an illustration of the development concepts and not as an exact representation of all specific development details.

E. DEVELOPMENT SITE PLAN

Approval of a development site plan shall be a prerequisite to the issuance of building permits for any property in a PD District. The approval of a development site plan may also serve as preliminary plat approval, provided that all requirements of Chapter 18 are satisfied.

(1) **Compliance with Approvals**

The development site plan must comply with all provisions of the PD ordinance specifying development standards and substantially reflect the precepts and layout set forth in the concept plan. If a development site plan does not comply with the provisions of the PD ordinance and the concept plan incorporated therein, the Planning and Zoning Commission may reject such plan, in which case a new site plan may be submitted or application must be made to amend the PD ordinance, including all requirements for notices and public hearings. If a PD ordinance does not specify development standards or has not incorporated a concept plan, the development plan approval shall specify such standards. Development requirements on such development plans may be revised under the same review, notice and approval procedures as applied to the original approval of the plan and application to amend the PD ordinance shall not be required.

(2) **Review Process**

The development plan review process shall include review by the Planning and Zoning Commission, referral by the Planning and Zoning Commission to the City Commission with a recommendation, and review and final approval of the development plan by the City Commission.

(3) **Modifications**

The Planning and Zoning Commission may recommend, and the City Commission may require, such modifications of a development site plan that will ensure the proposed project will be in harmony with the existing and anticipated development of surrounding areas.

(4) **Development Site Plan Requirements:**

- a. General: Four (4) copies of development site plan; showing a vicinity map or adequate reference to intersecting streets to locate specific property; north arrow, date, scale (not less than 1" = 100' ).
- b. Site/Adjacent Property Information: Site, indicating boundaries and project phase lines, if any; public or private rights-of-way and easements on site or abutting or intersecting the site; adjacent properties, with zoning and existing

uses identified.

- c. Permitted or additional Uses including Conditional (CUP) Uses,
- d. Density – number of dwelling units per acre if PD has a residential component,
- e. Show Lot lines with dimensions,
- f. Yard (setbacks) depths and widths,
- g. Building layout (existing and proposed) with height, size, and/or exterior construction,
- h. Lot coverage,
- i. Floor area ratio,
- j. Drainage/Utilities/Services: Existing and proposed topography, reflecting proposed handling of on-site surface drainage; limits of the 100-year floodplain and floodway as shown on current FIRM mapping, including location and acreage; proposed improvements and method of maintenance for any drainage channels; existing and proposed water and sanitary sewer layout; existing and proposed fire hydrant locations; proposed locations for solid waste container pads.
- k. Circulation and Parking: Location, dimensions and proposed construction of all streets, private drives, alleys, access, parking areas, and drive approaches; street drives and alleys which are adjacent to or dead-end into the site, including the location, of existing and proposed median openings and left-turn lanes in boulevard streets; number and dimensions of parking spaces and width of drive approaches and aisles; sidewalks and other facilities for pedestrian circulation.
- l. Designated fire lanes and curve radii for required fire lanes and fire hydrant placement.
- m. Screening/Open Space/Recreational Facilities: Location, height and building materials for any proposed or required walls or fences; height, location and type of any proposed berms or living screens; location and size (if applicable) of proposed recreation facilities (swimming pools, tennis courts, etc.); location of open play areas and playgrounds with play equipment; landscape plan.
- n. Landscaping,
- o. Accessory buildings,
- p. Signs,
- q. Lighting,
- r. Project phasing or scheduling,
- s. Living Units: Table showing type of units by size, number of bedrooms, and number of each type; floor plans for all multi-family units.

F. ADMINISTRATIVE ACTION

Upon approval of a development site plan by the City Commission and approval of the preliminary plat, application may be made for the permits and certificates necessary for construction. Subsequent to such approval, minor changes may be authorized by the Planning and Zoning Commission when such changes will not cause any of the following circumstances to occur:

- (1) A change in the character of the development;
- (2) An increase in the ratio of the gross floor area in structures to the area of any lot;
- (3) An increase in the intensity of use;
- (4) A reduction in the originally approved separations between buildings;
- (5) An increase in the problems of circulation, safety, and utilities;
- (6) An increase in the external effects on adjacent property;
- (7) A reduction in the originally approved setbacks from property lines;
- (8) An increase in ground coverage by structures;
- (9) Reduction in the ratio of off-street parking and loading space to the gross floor area in structures; and
- (10) Change in the locations, lighting or orientation of originally approved signs.

G. EFFECT OF APPROVAL

- (1) The approval of the Development Site Plan shall be considered authorization to proceed with construction of the site provided all other required City approvals are obtained (such as final plat, engineering plans, etc.). Approval of a Development Site Plan shall be considered approval of the Planned Development.
- (2) Site Plans for subsequent phased development of individual lots or pad sites shall not be required if specified as part of the approved Development Site Plan for the Planned Development and deemed to be in substantial conformance with the approved Concept Plan.
- (3) If construction has not commenced within one (1) year of the approval date of the Development Site Plan it shall be deemed expired and void and must be resubmitted for approval unless the developer requests an extension a minimum of thirty (30) days prior to the expiration date.

## SECTION 24: CONDITIONAL USE PERMITS (CUP)

**A. PURPOSE AND INTENT:**

- (1) **Nature of Conditional Use Permits** - A conditional use permit (CUP) may be granted to a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions. This Section sets forth the standards used to evaluate proposed conditional uses and the procedures for approving conditional use permit applications.
- (2) **Permit required** - No conditional use permit shall be established and no building permit shall be issued for any use requiring a conditional use permit within any zoning district until a conditional use permit (CUP) is issued in accordance with the provisions of this Section. An application for a conditional use permit shall be accompanied by a detailed site plan prepared in the manner described in Section 23 E. The Site Plan shall illustrate the proposed use to be established, its relationship to adjoining properties, and how it meets the approval standards set forth in this Section.

**B. STATUS OF USES PERMITTED BY CONDITIONAL USE PERMIT:**

The following general rules apply to all conditional uses:

- (1) The designation of a use in a zoning district as may be permitted by CUP in Section 7 (Use Tables) of this Ordinance does not constitute an authorization or assurance that such use will be approved.
- (2) Approval of a conditional use permit shall authorize only the particular use for which the CUP is issued and shall be specific to the property address to which it was originally granted and runs with the land. A CUP cannot be relocated to another location or address and is not issued or granted to a person, agent, developer, owner or entity per se.
- (3) No use authorized by a conditional use permit shall be enlarged, extended or relocated, nor may the number of dwelling units be increased, unless an application is made for approval of a new conditional use permit in accordance with the procedures set forth in this Section.
- (4) Development or construction related to the conditional use shall not be carried out until the applicant has secured all the building permits and approvals required by this Chapter, the City Code, and any permits that may be required by regional, State or Federal agencies.
- (5) The ordinance establishing the CUP may provide that approval of the CUP expires if the use for which the CUP was granted is abandoned for a period of six (6) months, at the City Commission’s discretion.
- (6) A conditional use permit shall not grant variances to any requirement, rule or standard listed herein or in other codes and ordinances. Likewise, a variance

cannot be granted by the Board of Adjustment (BOA) to any Conditional Use Permit but shall only be considered by the City Commission as an amendment to the CUP.

**C. APPROVAL PROCESS:**

After public hearing and proper notice, and after recommendation by the Planning and Zoning Commission, the City Commission may authorize the issuance of conditional use permits when the City Commission finds all of the following conditions present:

- (1) That the establishment, maintenance, or operation of the conditional use will not be materially detrimental to, or endanger, the public health, safety, morals, or general welfare;
- (2) That the uses, values and enjoyment of other property in the neighborhood, for purposes already permitted, shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance, or operation of the conditional use;
- (3) That the establishment of the conditional use will not significantly impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- (4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided;
- (5) That adequate measures have been or will be taken to provide ingress or egress, so designed as to minimize traffic congestion in the public streets; and
- (6) That the conditional use shall conform to all applicable yard area regulations of the district in which it is located.

D. Prior to the granting of any conditional use, the City Commission may stipulate such conditions, restrictions, and duration upon the establishment, location, construction, maintenance, and operation of the conditional use as deemed necessary to protect the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in herein. In all cases in which conditional uses are granted, the City Commission shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. The granting of a conditional use does not create a vested right to the use and the conditional use may be canceled at the City Commission's sole discretion, pursuant to the terms of the ordinance granting the CUP.

E. No application for a conditional use which has been denied wholly or in part by the City Commission shall be resubmitted for a period of twelve (12) months from the date of said denial.

# ARTICLE V: SUPPLEMENTARY DEVELOPMENT REGULATIONS

## SECTION 25: SCREENING, WALLS AND FENCES

### A. SCREENING ELEMENTS AND FENCES

In order to provide maximum safety to pedestrians and motorists at intersections and at ingress and egress points from public streets, highways, and alleys to private property, to conserve and protect the value of adjacent land and buildings; to protect aesthetic views and vistas, to secure hazardous areas from unauthorized entry, to contain livestock and other agricultural activities, and to screen and protect permitted outside materials storage areas, the following regulations are prescribed for the location, type, and height of regulated required and non-required screening elements and fences. The term “screening element” as used herein is defined in Section 30. The term “fence” as used herein is defined to mean a barrier, railing, or other upright structure enclosing an area of ground to mark a boundary, control access, or prevent escape.

(1) **Traffic Visibility at Intersections**

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two feet (2') and ten feet (10') above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines twenty-five feet (25') from the point of the intersection.

(2) **Traffic Visibility at Interior Lots**

On an interior lot in any district, nothing shall be erected placed, planted, or allowed to grow in such a manner as to materially impede the vision or in any way create a traffic hazard to motorists entering or exiting any public highway, street, alley, or private street or driveway from or to adjacent private property.

(3) **Residential Districts - General**

- (a) Screening elements and fences shall be restricted to a maximum height of six feet (6'), measured from the adjacent grade line, except as otherwise allowed.
- (b) Nonresidential uses in a residential district shall be suitably screened from view, to a height not less than six feet (6') nor more than eight feet (8'), of any adjacent residential lot or dwelling use along the side and rear property lines of such nonresidential use. Said screening requirements shall not be mandatory for public schools, parks or churches, except where a parking lot or active outdoor intensive use area (such as a playground) is adjacent to a residential lot or dwelling. Parking lot screening need not be more than three and one half feet (3-½') in height. Off-street loading areas of any nonresidential use shall be adequately screened from view of any residential dwelling or lot or of any other adjacent public or semi-public land use.

(4) **Non-residential Districts- General**

- (a) Where a nonresidential use abuts a residential lot, use or district, the side and rear property lines abutting said residential lot, use, or district shall be suitably screened by the nonresidential use so as to obscure the view from the residential lot, use or district to the nonresidential use to a height not less than six feet (6') nor more than eight feet (8').
  - (b) Where a district boundary separating a residential district from a nonresidential district is along a street or alley, and an automobile parking lot or parking area is located in the front yard of the nonresidential use, then said parking lot or parking area facing the residential lot, use, or district shall be suitably screened to a height of not less than three and one-half feet (3 ½').
  - (c) Where garbage, refuse, and trash collection/storage is permitted and the screening thereof is required, then such screening shall be provided around the exposed perimeter thereof of not less than six feet (6') nor more than eight feet (8') in height.
  - (d) In commercial and industrial districts where open storage is permitted and the screening thereof is required, then such screening shall be provided around the exposed perimeter thereof of not less than six feet (6') nor more than ten feet (10') in height.
  - (e) Off-street loading areas shall be adequately screened from view of any residential dwelling or of any other adjacent residential land use.
  - (f) No screening element comprised of brick, masonry, concrete, or solid metal shall be erected or placed which would interfere with the installation or maintenance of any public utility line, service, or drainage way, within the easements reserved therefore.
  - (g) All screening elements comprised of brick, masonry, concrete, or stone over forty-two (42") in height shall be engineered and signed and sealed civil engineering plans shall be submitted to the City with the building permit application.
  - (h) All required screening elements shall be permanently and adequately maintained by the nonresidential property owner.
- (5) **Fences in Front Yards** - Except as provided by (a.) below, no fence or wall shall be permitted within the required front yard of any single-family or duplex residential lot that is adjacent to a public street. No residential fence shall be closer than fifteen feet (15') to a public street except in cases where the side building line of the yards on continuous corner lots adjoin, the fence may be constructed out to the property line of said side yard such that the street side yard may be included as part of the lot's back yard area.
- a. Decorative fences with openings not less than fifty percent (50%) of the fence area and not exceeding four feet (4') in height are permitted in front yards.

Chain link, woven wire mesh, welded wire or similar materials are not considered decorative fencing.

- b. Decorative ornamental iron fencing may be constructed up to six feet (6') in height within the front yard only in the Multi-Family (MF) and four feet (4') in Single-Family zoning districts, and up to eight feet (8') in the General Commercial (C) and Light Industrial (LI) districts. Such fences shall have openings not less than fifty percent (50%) of the fence area, and shall not interfere with traffic visibility.
- (6) It shall be unlawful for any owner or person in control of such premises, or his agent or contractor to construct a new fence, extend an existing fence line on any lot without having first obtained a fence permit from the City. The repair or replacement of fence material already in existence shall be deemed normal routine maintenance and does not require a permit.
- (7) Gates designed for vehicular access in residential districts and all garage doors shall be set back from the property line a minimum of twenty-five feet (25'). Gates designed for truck traffic or for fire truck access in non-residential districts shall be setback from the street right-of-way a minimum of eighty (80') feet for commercial trucks and a minimum of forty-five (45') feet for fire truck access.
- (8) Fences around swimming pools shall comply with the Standard Swimming Pool Code and this Code pertaining to same.
- (9) See Section 27 for sight visibility requirements for fences and screening walls.
- (10) Special purpose fencing, such as fencing around golf driving ranges, tennis courts, and ball fields is allowed only upon issuance of a permit from the City. The maximum height of such fencing shall be the minimum necessary to protect the public or property from injury or damage.

**B. PROHIBITED FENCES AND MATERIALS:**

- (1) No fence or any part of such fence shall be constructed upon or caused to protrude over any adjacent properties. If any fence is constructed on an adjacent property, the owner or person in control of such premises will be notified by mail to remove the fence. After ten (10) days of the receipt of the notification, if the fence is not removed the owner or person in control of such premises, will be deemed in violation of this ordinance.
- (2) No fence or any part of such fence shall alter the natural drainage or planned drainage on any lot.
- (3) All fences must be maintained in a vertical plane so as not to lean or overhang on a separate lot.
- (4) No fence shall be located within any easement or alleys except by prior written approval of those agencies having interest in such easement.
- (5) No fence shall be electrically charged.

- (6) Materials prohibited are products such as wood, metal or plastic that are not specifically designed as fencing material. These products include aluminum, barbed wire, chain, chicken/hog wire, corrugated metal, electric fence, fiberglass panels, metal panels, netting, paneling, paper, plywood, razor ribbon wire, rope, string, temporary barrier fencing, used or second-hand material, welded wire fabrics, wire fabrics and any material that could be deemed a public safety hazard.
- (7) **Exceptions:** Barbed wire is permitted for fencing when:
- (a) Barbed wire fences used in conjunction with permitted agricultural and related activities and in industrial districts are permitted without restrictions, but are expressly prohibited in all other districts except as provided below.
  - (b) Barbed wire strands may be placed on top of permitted fences and screening elements in an industrial or General Commercial District for the purpose of security from theft, entry, and hazard around public utility substations and uses of a similar nature, provided the top strand is not higher than two feet (2') above the fence or screening wall nor the bottom strand lower than six feet (6') from the adjacent grade line.

## SECTION 26: ACCESSORY BUILDINGS AND USES

### A. ACCESSORY BUILDINGS

- (1) In a single-family or multi-family district, an accessory structure is a subordinate or incidental building, attached to or detached from the main building, not used for commercial purposes and not rented. Accessory structures shall be located toward the rear portion of the property, and shall conform to applicable provisions of the Building Code. (Also see Section 29 for exterior construction standards.)
- (2) Accessory buildings closer than ten (10') feet to the main building shall be considered part of the main building whether or not it is physically connected and for the purposes of complying with the Fire Code shall be required to have to meet the same setbacks as the main structure.
- (3) In nonresidential districts, an accessory structure is a subordinate building, the use of which is secondary to and supportive of the main building. Accessory structures shall not be permitted without a main building or primary use being in existence. Accessory structures should, wherever possible, be located toward the rear portion of the property. Accessory buildings shall conform to applicable provisions of the Building Code. (Also see Section 29 for exterior construction standards.)
- (4) **Accessory Dwelling Units** – are permitted only in the AG and SF-7.5 zoning districts shall be allowed as an incidental residential use of a building on the same lot as the main dwelling unit and used by the same person or persons of the immediate family, and shall meet the following standards:
  - a. The accessory dwelling unit must be constructed to the rear of the main dwelling, separate from the main dwelling.
  - b. The accessory dwelling unit may be constructed only with the issuance of a building permit, and shall be constructed of materials that are similar in appearance to the main structure if over two hundred forty (240) square feet in size.
  - c. The accessory dwelling unit may not be sold separately from sale of the entire property, including the main dwelling unit, and shall not be rented, leased or sublet.
  - d. Setback requirements shall be the same as for the main structure.
  - e. Accessory dwellings are not permitted without the main or primary structure.
  - f. Accessory dwellings shall not have separate water or electrical meters.
  - g. Accessory dwellings shall conform to the height limitations of the zoning district in which it is located. No such accessory dwelling or quarters shall be used or occupied as a place of abode or residence by anyone other than a bona fide caretaker, servant or farm worker actually and regularly employed by the land

owner or occupant of the main building, or is a guest or family member of the owner/occupant.

- h. Only one (1) accessory dwelling unit (i.e., garage/accessory dwelling, servants/caretakers quarters, etc.) shall be allowed on any lot within a residential zoning district, and they shall be clearly incidental to the primary use. These accessory living structures shall not, in any case, be leased or sold.

**B. AREA REGULATIONS FOR ACCESSORY BUILDINGS IN RESIDENTIAL AND MULTI-FAMILY DISTRICTS:**

**(1) Size of Yards:**

- a. **Front Yard:** Detached accessory buildings shall be prohibited in front of the main building.
- b. **Side Yard:** See each residential district for setback requirements. Garages or carports located and arranged so as to be entered from an interior side yard shall have a minimum setback of twenty-five feet (25') from the side lot line. Carports or garages arranged to be entered from the side yard, facing a public street, shall have a minimum distance equal to the required yard for the main building or twenty-five feet (25'), whichever is greater.
- c. **Rear Yard:** See each residential district for setback requirements. Garages or carports that are arranged so as to be entered by a motor vehicle from an alley or rear alley easement shall be set back from the rear property line or alley easement line a minimum distance of twenty-five feet (25').
- d. Setbacks for carports shall be measured from the part of the carport (usually the roof) that is closest to the street or alley, and shall not project beyond the front façade of the house and shall be constructed of materials like the main building(s) on the premises if located in the side yard and is visible from the street. In single-family and two-family zoning districts, carports shall be a maximum size of twenty-four feet (24') deep and twenty-four feet (24') wide. In multi-family and nonresidential zoning districts, carports shall be a maximum size of twelve (12) bays in width and twenty-four feet (24') deep.

(2) Accessory buildings are not permitted without a main structure.

(3) Accessory buildings shall not exceed the height allowed for such buildings in the specific zoning district wherein it is located. Garage/accessory dwelling units up to two (2) stories are allowed in certain districts by CUP if there is no adverse impact upon adjacent properties. Accessory dwellings located in single-family districts shall only be occupied by persons related to the occupants of the main dwelling and shall not be rented, leased or sold separately from the main structure.

(4) Exterior Construction Standards for Accessory Buildings: Any residential accessory building exceeding two-hundred forty square feet (240') in size shall be required to match the exterior façade materials of the main house.

- (5) No accessory building shall be higher than the main building and in no case be in excess of eighteen feet (18') in height.

C. **ACCESSORY USES** - A use that is customarily incidental, appropriate and subordinate to the principal use of land or building(s) and that is located upon the same lot therewith (i.e., the land/building area that is used for the accessory use must be significantly less than that used for the primary use, and/or the gross receipts/income that is derived from the accessory use must be significantly less than that derived from the primary use).

- (1) An accessory use in a non-residential use, business or district must be registered on the businesses' Certificate of Occupancy in order to be permitted. The accessory use must be a permitted use in the district in which it is located (see Section 9 "Use Tables"). Those uses which require a Conditional Use Permit (CUP) must have approval of the CUP prior to starting the use even if it is a relatively minor accessory use.
- (2) Accessory uses must meet all of the same requirements as the primary use of the property as listed in the district in which it is located.

D. **HOME OCCUPATIONS** - An occupation carried on in a dwelling unit, or in an accessory building to a dwelling unit, by a resident of the premises, which occupation is clearly incidental and secondary to the use of the premises for residential purposes and does cause nuisances or alter the outward appearance of the home.

- (1) **Purpose** - Standards for controlling home occupations are set forth to minimize annoyance and inconvenience to neighboring property owners within residential areas. These standards are intended to allow reasonable and comfortable enjoyment of adjacent and nearby property by their owners and by occupants of neighboring residential dwellings, while providing opportunities for the pursuit of home-based businesses.

(2) **Special Provisions for Home Occupations:**

- a. Home occupations shall be permitted as accessory use in single- and two-family residential zoning districts provided that they comply with all restrictions herein;
- b. The occupation shall produce no alteration or change in the character or exterior appearance of the principal building from that of a residential dwelling, and performance of the occupation activity shall not be visible from the street;
- c. Such use shall be incidental and secondary to the use of the premises for residential purposes, and shall not utilize floor area exceeding twenty-five percent (25%) of the combined gross floor area of dwelling unit and any accessory building(s) that are used for the home occupation (in no case shall the combined floor area utilized for a home occupation exceed 500 square feet);
- d. The occupation shall not employ any person who is not a member of the household in which the home occupation occurs;

- e. The operation of such an occupation shall be between the hours of 8:00 a.m. and 6:00 p.m. for outdoor activities, and between 7:00 a.m. and 10:00 p.m. for indoor activities;
  - f. The occupation activity shall not increase vehicular traffic flow beyond what normally occurs within a residential district, and shall not require regular and frequent deliveries by large delivery trucks or vehicles with a rated capacity in excess of one and one-half tons, according to the manufacturer's classification;
  - g. There shall be no outside storage, including trailers, or outside display related to the home occupation use;
  - h. No mechanical or electrical equipment shall be employed on the premises other than that which is customarily found in a home environment, and that which is customarily associated with a hobby or avocation which is conducted solely for pleasure and not for profit or financial gain;
  - i. The home occupation shall not generate noise, vibration, glare, fumes/odors, heat or electrical interference beyond what normally occurs within a residential district;
  - j. The occupation shall not require the use of chemicals on the property that are obnoxious or hazardous to the welfare of the neighborhood;
  - k. The home occupation shall not involve the use of advertising signs or window displays, or any other device that calls attention to the business use of the premises through audio and/or visual mean;
  - l. The occupation shall not offer a ready inventory of any commodity for sale on the premises.
  - m. The occupation shall not be harmful or detrimental to the health, welfare and safety of the neighborhood, nor shall it interfere with the comfortable enjoyment of life, property and recreation by residents of the area.
- (3) **Applicability of Other Regulations** - Home occupations shall also be subject to any and all other provisions of local, State and/or Federal regulations and laws that govern such uses.
- (4) **Uses Allowed as Home Occupations** - Subject to the provisions of Subsection (2) above, home occupations may include the following uses:
- a. Office facility of an accountant, architect, landscape architect, attorney, engineer, consultant, insurance agent, realtor, broker, or similar profession;
  - b. Author, artist or sculptor;
  - c. Computer programming and repair;
  - d. Dressmaker, seamstress or tailor;

- e. Music/dance teacher, or similar types of instruction, provided that instruction shall be limited to no more than six (6) pupils at a time;
  - f. Individual tutoring and home schooling;
  - g. Millinery;
  - h. Office facility of a minister, rabbi, priest or other clergyman;
  - i. Home crafts, such as quilt making, rug weaving, model making, etc.;
  - j. Office facility of a salesman, sales or manufacturer's representative, etc., provided that no retail or wholesale transactions or provision of services are personally and physically made on the premises;
  - k. Repair shop for small electrical appliances, cameras, watches/clocks, and other small items, provided that the items can be carried by one person without using special equipment, and provided that the items are not equipped with an internal combustion engine;
  - l. Food preparation establishments defined by State Law as a "cottage industry" such as cake making/decorating or catering, provided that there is no on-premises consumption by customers, and provided that all aspects of the business comply with all State and local health regulations;
  - m. Registered Family Homes, in compliance with applicable State laws, which are incorporated herein by reference, with no more than six (6) children;
  - n. Swimming lessons and water safety instruction provided that such instruction involves no more than six (6) pupils at any one time during daylight hours.
- (5) **Uses Prohibited as Home Occupations** - Home occupations shall not, in any event, be deemed to include the following uses:
- a. Animal hospitals or clinics, commercial stables, or kennels;
  - b. Schooling or instruction, except swimming/water safety classes and home schooling, with more than six (6) pupils at a time;
  - c. Restaurants or on-premises food or beverage (including Private Clubs) consumption of any kind, except for limited food/meal consumption associated with the operation of a licensed registered family home;
  - d. Food preparation for a mobile food vending service;
  - e. Automobile, boat or trailer paint or repair shop; small engine or motorcycle repair shop; welding shop; large household appliance repair shop; or other similar type of business;
  - f. Barber shop, beauty salon, manicurist or other personal service occupation which requires a State License to operate;

- g. Office facility for a doctor, dentist, veterinarian or other medical-related profession;
  - h. On-premises retail or wholesale sales of any kind;
  - i. Commercial clothing laundering or cleaning;
  - j. Mortuaries or funeral homes;
  - k. Trailer, vehicle, tool or equipment rentals;
  - l. Repair shops or services, except as specifically provided above;
  - m. Drapery or furniture upholstery shops;
  - n. Antique, gift or specialty shops;
  - o. Repair shops for any items having internal combustion engines; and
  - p. Any use that would be defined by the Building Code as an Assembly, Factory/Industrial, Hazardous, Institutional or Mercantile occupancy.
- (6) **Home Occupation Uses Not Classified** - Any use that is not either expressly allowed nor expressly prohibited above, respectively, is considered prohibited, unless and until such use is classified by amendment to this Chapter.
- (7) **Effect of This Section Upon Existing Home Occupations** - Any home occupation that was legally in existence as of the effective date of this Chapter and that is not in full conformity with the provisions herein shall be deemed a legal nonconforming use, and is subject to the provisions of Section 3, provided that the home occupation use was not in violation of any other local, State or Federal law or regulation on the effective date of this Chapter. Any home occupation that was legally in existence as of the effective date of this Chapter and that conforms with (i.e., is not in violation of) the provisions herein shall be hereby authorized to continue.

## SECTION 27: OFF-STREET PARKING & LOADING REGULATIONS

### A. PARKING, STORAGE OR USE OF MAJOR RECREATIONAL EQUIPMENT AND VEHICLES

- (1) No major recreational equipment shall be parked or stored on any lot in a residential district, except in a carport or enclosed building, on a driveway, or in a required side or rear yard. All parking shall be on an approved surface except that such equipment may be parked anywhere on a residential premises not to exceed twenty-four (24) hours during loading or unloading.
- (2) No such equipment shall be used for living, sleeping, or housekeeping purposes

when parked or stored on a residential lot, except for the temporary housing of guests not to exceed two (2) consecutive weeks.

- (3) For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers, or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

**B. PARKING FOR PERSONS WITH DISABILITIES** – Parking space(s) for persons with disabilities shall be provided according to building codes, State and Federal laws, and requirements of the Americans with Disabilities Act (ADA) and must be approved by the Texas Department of Licensing and Regulation (TDLR), P.O. Box 12157, Austin, Texas, 78711 (800-803-9202). Parking spaces for persons with disabilities shall be on level ground as close as possible to the main entrance of the building, and shall be appropriately and clearly marked. The following are general guidelines and are for reference only:

**ADA Parking Requirements**

<u>Total Parking in Lot Spaces</u>	<u>Required Minimum</u>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 and over	20 plus 1 for each 100 over 1,000

Access aisles adjacent to parking spaces for persons with disabilities shall be a minimum of forty-eight (48”) inches.

**C. AUTOMOBILE PARKING SPACE REQUIREMENTS**

Whenever any ordinance, regulation, or plan enacted or adopted by the City Commission is for the purpose of providing off-street automobile parking spaces or of establishing requirements that such spaces be provided, then such plan or requirements shall govern. Otherwise, off-street automobile parking spaces shall be provided as follows, applicable to buildings hereafter erected and uses hereafter established, to such nonconforming uses as may be required to conform to the regulations hereof, and to extensions and enlargements of buildings and uses.

- (1) Except as otherwise provided in the section, off-street parking spaces shall be provided as follows:

USE OF BUILDING OR SITE	MINIMUM NUMBER OF PARKING SPACES REQUIRED
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<b>Residential</b>	
Single Family	2.0 per dwelling unit
Townhouse/Two Family	2.0 per dwelling unit
Multifamily – 3 or more dwelling units	2.5 per dwelling unit
Senior Housing	1.5 per dwelling unit

<b>Commercial</b>	
Offices and Banks	3.3 per 1,000 sq. ft. gross floor area
Clinics and Doctors' Offices	4.0 per 1,000 sq. ft. gross floor area
General Retail	4.0 per 1,000 sq. ft. gross floor area
Shopping Centers	5.0 per 1,000 sq. ft. gross floor area
Car Wash	1.0 per employee, plus 1.0 for service, plus 2.0 for stacking for each bay
Restaurants	0.3 per seat
Hotels, Motels	1.25 per rentable room plus 0.5 per employee on any one shift
Halls for meeting, dancing, social events	5.0 per 1,000 sq. ft. gross floor area
Bowling Alleys/Pool Halls	5.0 per 1,000 sq. ft. gross floor area
Industrial	1.2 per employee on any one shift
Auditoriums and Theaters:	0.3 per seat
Churches (Sanctuary)	0.3 per seat
Churches (Additional space)	1.0 per 1,000 square feet
Elementary and Junior High Schools	1.2 per staff members
Hospitals	1.2 per bed plus 1.0 per three staff members on any one shift
Nursing Homes	1.0 per five beds plus 1.2 per staff member on any one shift
Wholesale Warehouse & Distribution	1.0 per employee, plus 1.0 per business vehicle parked on premises, plus 2.0 for visitor or customer parking.

- (2) **Standard Parking Space** - Each standard off-street surface parking space size shall be in accordance with the design standards as shown in Illustration -1 below for space size and aisle design. Specific parking space sizes, exclusive of aisles, driveways and maneuvering areas shall be in accordance with the following minimum sizes:
- a. Standard: Nine feet (9') by twenty feet (20') – eighteen-foot (18') length is allowed provided that the parking space has a two-foot (2') clear bumper overhang area that does not encroach upon a public right-of-way, a sidewalk of less than six feet (6') in width, or adjacent property.
  - b. Parallel: Nine feet (9') by twenty-two feet (22').

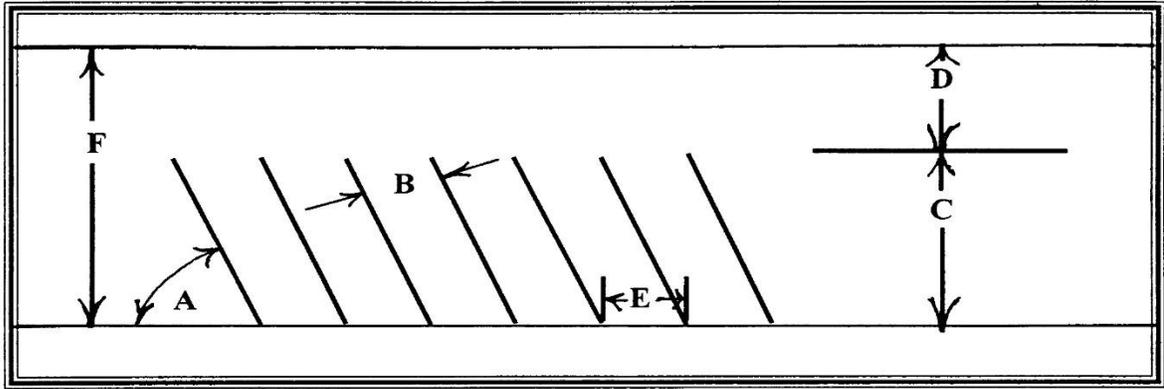
## ILLUSTRATION -1 Minimum Dimensional Standards for Parking

This table and the diagram below provide the minimum dimensional standards for parking areas and spaces.

A = Parking angle in degrees  
 B = Minimum stall width  
 C = Minimum stall depth

D = Minimum clear aisle width  
 E = Minimum clear stall distance at bay side  
 F = Minimum clear bay width

A	B	C	D One Way	D Two Way	E	F One Way	F Two Way
0 (parallel)	9'0"	-	12'0"	20'0"	22'0"	21'0"	29'0"
45	9'0"	22'0"	15'0"	20'0"	12'9"	37'0"	42'0"
60	9'0"	21'0"	18'0"	20'0"	10'4"	39'0"	41'0"
90	9'0"	18'0"	24'0"	24'0"	9'0"	42'0"	42'0"



**D. OTHER REQUIREMENTS:**

- (1) The required yard setbacks for any building shall not be included in calculating the minimum space requirements for off-street parking.
- (2) Where a building or a site contains two (2) or more uses, the off-street parking requirement shall be computed as the sum of the required off-street parking spaces for each individual use.
- (3) Each business, commercial, manufacturing or industrial use having deliveries made by truck more than once a day between the hours of 8:00 a.m. and 6:00 p.m., or where the time of loading and unloading materials or goods exceeds ten (10) minutes between those hours, shall provide off-street truck loading space on the lot, such space to be not less than thirty-five feet (35') in length, twelve feet (12') in width, and fifteen feet (15') in height. No on-street truck parking is allowed in the City except for short term periods in areas where an on-site loading dock is unavailable for unloading and loading. Drivers shall not park large trucks on the street awaiting unloading or loading scheduling or to rest or sleep in the vehicle.
- (4) All required parking stalls shall be located on the premises to which such requirement applies or within an off-street space distance not more than five hundred

feet (500') from such premises, provided that such stalls as are required for employees and proprietors of any premises may be located within an off-street space distance not more than one thousand feet (1,000') from such premises, except as otherwise provided in this subsection or other subsections of this Chapter.

- (5) Provision of parking stalls shared jointly by several persons in the same block or in the same vicinity is permissible, in which case the number of stalls required shall be the sum total of the individual requirements, provided that, where it is found by the Board of Adjustments, upon application thereto, that the parking demand generated by the different uses included in any joint arrangement to provide parking stalls required herein occurs at distinctly different times, as in the case of a theater generating demand for parking during such daytime hours, and in similar cases, the Board of Adjustment may reduce the total of number of parking stalls to be jointly provided through the variance process.
- (6) All parking spaces required for any use and provided in compliance with the provisions of this subsection on the same lot or plot as that occupied by such use shall be considered to be required spaces for the use or uses to which appurtenant and shall not be reduced or encroached upon in any manner.
- (7) The surface of parking stalls and aisles, truck standing spaces, and access driveways therefore shall be treated, prepared and maintained for adequate drainage and the elimination of dust, dirt, and mud, according to city specifications.
- (8) In a case where existing off-street parking facilities have unused parking capacity, and where such facilities are open to the use of the public free of charge or at reasonable rates, the Board of Adjustment may, through the variance process, reduce the parking space requirements for any use distance not more than eight hundred feet (800') from such facility or facilities, provided that the total number of stalls in such reduction shall be not greater than the total number of stalls of unused capacity.
- (9) In a case where any public or private off-street parking facility, to be open to the use of the public free of charge or at a reasonable rates, is planned or is in process of development, and where the Board of Adjustment has reasonable assurance that such development will be carried to completion and will, when completed, relieve the parking demand in an area within five hundred feet (500') thereof in some measure or in full measure, the Board of Adjustment, through the variance process, may establish a reasonable time period within which any use or uses within such area shall provide required space for parking stalls. Upon completion of all or a portion of such development, the provision of paragraph (10) above may be applied by the Board.
- (10) In a case where the customary mode of transportation of a majority of the patrons, employees, and proprietors of any use, to and from the area in which such use is located, is other than by private automobile, the Board of Adjustment, through the variance process, may reduce by an amount not to exceed fifty percent (50%) the space required for parking stalls for such use.
- (11) In a case where it is clearly shown by the applicant, to the satisfaction of the Board of Adjustment, that the provision of the amount of space required herein for parking

stalls, due to the particular nature of the proposed use or other condition, would be an unnecessary hardship, the Board may reduce such requirement through the variance process.

**E. RESIDENTIAL OFF-STREET PARKING**

(1) Purpose

It is recognized that uncontrolled residential off-street parking, specifically in residential front yards, is a public nuisance. The purpose of this subsection is to provide for the regulation of residential off-street parking and to specify the requirements for residential off-street parking as they pertain to the appearance and the health, safety, and welfare of the City.

(2) Definitions and Restrictions

It shall be illegal for any person to park, or to allow to be parked on any property under his or her control, any automobile, bus, truck, motorcycle, motor home, camper, trailer, boat or any vehicle on any portion of a front yard or side yard of any area which is zoned residential under this Chapter unless:

- (a) Said area is a part of a hard surfaced driveway or parking area;
- (b) Said area is a part of a gravel driveway bordered by cement curbing or similar permanent border;
- (c) Said area is a part of a required driveway that provides access to a garage, carport or off-street parking area required by this Chapter;
- (d) Said area is part of a side yard which is enclosed by a screening fence at least six feet (6') in height and so constructed that no person can see through into the area surrounded by the fence;
- (e) The term "vehicle" as used herein shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved exclusively by human power. The term "hard surfaced" as used herein shall include cement, asphalt, brick and other commonly accepted pavement which may be approved by the city administrator (or designee);
- (f) Heavy vehicles and equipment are prohibited from parking on residential streets or on private property in residential neighborhoods. Heavy vehicles shall include semi-truck tractors and trailers, trailers with more than two axles or are more than twenty-four (24') in length, box trucks, trucks with a gross capacity of over two (2) tons, excavating equipment such as, trenchers, front end loaders, backhoes, etc.,
- (g) A single-width driveway running from the street access to a garage or other parking area shall not utilize more than fifteen percent (15%) of any residential front yard, except for front yards with a front footage width of less than seventy feet (70'), in which case the maximum width for a single driveway shall be

eleven feet (11');

- (h) A double-width driveway running from the street access to a garage or other parking area shall not utilize more than twenty-seven percent (27%) of any residential front yard, provided that the maximum width of a driveway shall not exceed twenty-four feet (24') in any case and shall not exceed eighteen feet (18') for front yards with a front footage width of less than seventy feet (70');
- (i) A triple-width driveway running from the street to a garage or other parking area shall not utilize more than thirty-three percent (33%) of any residential front yard, provided that the maximum width of a driveway shall not exceed thirty feet (30') in any case, and shall not be permitted for front yards with a front footage width of less than eighty feet (80');
- (j) A drive apron means the connection between a driveway and the traveled portion of a street, in the public right-of-way, including any sidewalk area abutting thereon; or;
- (k) Circular driveways used for turnarounds or through traffic shall not utilize more than thirty percent (30%) of any residential front yards or corner side yards with a front footage or less than eighty feet (80').

## SECTION 28: LANDSCAPING

A. **PURPOSE** - These landscaping regulations provide standards and criteria for new landscaping which are intended to promote the value of property, enhance the welfare, and improve the physical appearance of the city. The standards contained in this section are deemed to be minimum standards and shall apply to all new construction occurring within all zoning districts. For properties already platted and are not being re-platted or re-zoned State Law exempts new construction from the requirements of this Section.

B. **PERMITS.**

- (1) No permits shall be issued for building, paving, grading or construction until a landscape plan is submitted and approved by the city. In the event that the proposed development requires an approved subdivision plat, site plan, or master development plan, no such final approval shall be granted unless a landscape plan is submitted and approved.
- (2) Prior to the issuance of a certificate of occupancy of any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan.
- (3) In any case in which a certificate of occupancy is sought at a season of the year in which the city determines that it would be impractical to plant trees, shrubs or grass, or to lay turf, a certificate of occupancy may be issued notwithstanding the fact that the landscaping required by the landscape plan has not been completed, provided the applicant posts a letter of credit or deposits cash in an escrow account in the amount of the estimated cost of such landscaping.
- (4) Such letter of credit or escrow deposit shall be conditioned upon the installation of all landscaping required by the landscaping plan within six months of the date of the application and shall give the city the right to draw upon the letter of credit or escrow deposit to complete the said landscaping if the applicant fails to do so.

C. **LANDSCAPE PLANS.**

- (1) Prior to the issuance of a building, paving, grading, or construction permit for any use other than single-family dwellings, a landscape plan shall be submitted to the city. The city shall review such plans and shall approve same if the plans are in accordance with the criteria of these regulations. If the plans are not in accord, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.
- (2) Landscaping plans shall be prepared by a landscape architect, landscape contractor or landscape designer knowledgeable in plants, materials and landscape design. Landscape plans shall contain the following information:
  - a. Minimum scale of one inch equals 50 feet;
  - b. Location of all trees to be preserved;
  - c. Location of all plants and landscaping material to be used, including plants, paving, benches, screens, fountains, statues, or other landscape features;

- d. Species of all plant material to be used;
- e. Size of all plant material to be used (tree caliper in inches measured 12 inches above grade or container size in gallons);
- f. Spacing of plant material where appropriate;
- g. Layout and description of irrigation, sprinkler or water systems, including placement of water sources;
- h. Description of maintenance provisions for the landscape plan;
- i. Persons responsible for the preparation of the landscape plan with Texas Landscape Architect License No., Seal and Signature if required.

#### D. **MINIMUM LANDSCAPING REQUIREMENTS.**

- (1) **Landscaping percentage for street yard area.** The street yard area is the area between the building front line and the front of the property (right-of-way) line. For all parcels with less than 250 feet of frontage adjacent to a dedicated public right-of-way, at least ten percent of the street yard shall be permanent landscape area. For all parcels having 250 feet or more of frontage, at least 15 percent of the street yard shall be permanent landscape area. The required landscaping shall consist of a mixture of plant materials consisting of grass and/or ground covers, plants, shrubbery and trees of a variety of sizes as approved on the landscape plan. The street yard shall be defined as the area between the building front and the front property line.
- (2) **Landscaping adjacent to public rights-of-way.** A minimum ten-foot landscape buffer (interior parkway) adjacent to the public right-of-way of any public thoroughfare is required. Corner lots fronting on two thoroughfares shall be required to observe the ten-foot buffer on both frontages. All other street frontages shall observe a minimum five-foot landscape buffer. Developers shall be required to plant one large tree per 40 linear feet or portion thereof of street frontage. Trees may be grouped or clustered to facilitate site design. The landscaped portion of interior parkways may be included in the required street yard area percentage. The interior parkway is defined as that area on private property between the street right-of-way line and the curb of the parking area or building area.
- (3) **Landscaping within off-street parking areas.** Landscape areas within off-street parking areas should generally be at least one parking space in size, with no landscape area less than 50 square feet in area. Landscape areas shall be no less than five feet wide and shall equal a total of at least 16 square feet per parking space. There shall be a landscaped area with at least one tree within 60 feet of every parking space. There shall be a minimum of one tree planted in the parking area for every ten parking spaces within parking lots with more than 20 spaces. Within parking lots, landscape areas should be located to define parking areas and assist in clarifying appropriate circulation patterns. A landscape island shall be located at the terminus of all parking rows, and should contain at least one tree. All landscape areas shall be protected by a monolithic curb or wheel stops and remain free of trash, litter, and car bumper overhangs.

- (4) **Screening of parking areas adjacent to a public right-of-way.** At least 75 percent of the frontage of parking areas adjacent to a public right-of-way within the street yard shall be screened from public streets with evergreen shrubs attaining a minimum height of three feet or a low masonry wall or earthen berm of equal height. Use of a wall or earthen berm for parking lot screening should be accompanied with landscape planting in the form of low shrubs and ground cover to soften the appearance of the wall or earthen berm.
- (5) **Percentage of over story trees.** A minimum of 50 percent of the total trees required for the property shall be over story trees as specified on the approved plant list. Accent trees shall be used under existing or proposed overhead utility lines.
- (6) **Driveways.** Necessary driveways from the public right-of-way shall be permitted through all required landscaping in accordance with city regulations.
- (7) **Residential buffer yards.** For any development in the MF, C, or LI zoning districts which abut districts zoned single-family residential (SF-7.5, TH-12 or MH-6) there shall be a minimum 20-foot-wide landscape buffer with at least one row of evergreen shrubs with a minimum height at maturity of between eight (8') feet and twenty-five (25'), planted on six-foot centers, for the entire distance along which the development abuts the residential or manufactured home subdivision districts. Where a fire lane is required, the green belt may be reduced to ten feet.
- (8) **Multi-family buffer yards.** For any development in non-residential zoning districts which abuts a district zoned multifamily there shall be a minimum 20-foot-wide landscape buffer with at least one row of evergreen shrubs, planted on six-foot centers, for the entire distance along which the development abuts the residential or multifamily districts. Where a fire lane is required, the green belt may be reduced to ten feet.

**E. GENERAL STANDARDS** - All required landscaped areas shall be completely covered with living plant material. Landscaping materials such as wood chips and gravel may be used under trees, shrubs, and other plants. Plant materials used in conformance with the provisions of this article shall conform to the standards of the American Standard for Nursery, or equal thereto. Grass seed, sod, and other material shall be clean and reasonably free of weeds and noxious pests and insects. The following criteria and standard shall apply to landscape materials and installation:

- (1) **Trees.** Trees shall have an average spread of crown of greater than 15 feet at maturity. Ornamental trees having a lesser average mature crown of 15 feet may be substituted by grouping the same so as to create the equivalent of 15 feet crown of spread. (two (2) ornamental trees shall be considered the equivalent of one (1) over story tree). Over story trees shall be a minimum of three inches in caliper (measured twelve (12") inches above the ground) and seven feet in height at time of planting. Accent trees shall be a minimum of one inch in caliper (measured six inches above the ground) and five feet in height at time of planting.
- (2) **Shrubs and Hedges.** Shrubs and hedges shall be a minimum of twelve (12") inches in height (one gallon container) when measured immediately after planting. Hedges, where installed, shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen, which will be two (2') feet high within one year after time of planting.

- (3) **Ground covers.** Ground covers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one year of planting.
- (4) **Vines.** Vines shall be a minimum of two feet in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet screening requirements as specified.
- (5) **Grass.** Lawn grass areas may be sodded, plugged, sprigged, or seeded except that solid sod shall be used in swales, berms, or other areas subject to erosion.
- (6) **Perennial and Annual Flowers.** Flowers shall not be planted outside a contained planter bed in which the bare soil is covered with mulch, weed barrier material or combination thereof. Wildflower areas must be delineated on the Landscape Plan and shall not be used in the front yard of any lot residential or non-residential in lieu of ground covers or lawns outside of established flower beds.

**F. TREE CREDITS.**

- (1) Any trees preserved on a site meeting the herein specification may be credited toward meeting the tree requirement of any landscaping provision of this section according to the following table:

Diameter of Existing Tree at 4.5 feet Above Ground (in inches)	Credit Against Tree Requirement
6 to 8	1.0 tree
9 to 30	1.5 trees
31 to 46	2.0 trees
47 or more	3.0 trees

- (2) Due to the poor quality, disease problems, or hazardous or undesirable growth structure of undesirable or nuisance tree species will receive only 50 percent of the above credit for tree preservation. All other existing trees may receive credit if they are not on the city's approved plant material list but approved by the city. Should any required tree designated for preservation in the landscape plan, the owner shall replace the tree with a three-inch minimum caliper tree in accordance with the credits listed above. Tree diameter shall be measured 4½ feet above natural grade.

**G. MAINTENANCE OF LANDSCAPING** - All landscaping shall be the responsibility of the property owner. It shall be permanently maintained and shall have either an irrigation

system installed, meeting all applicable requirements of the city, or shall be located within 75 feet of a hose bib, faucet, or other water source.

- (1) Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping.
- (2) All plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year.
- (3) Plant materials which die shall be replaced with plant material of similar variety and size.

H. **SIGHT DISTANCE AND VISIBILITY** - Landscape planting shall not be erected or installed in such a manner as to interfere with traffic viewer or impose a safety hazard. Rigid compliance with these landscaping requirements shall not be such as to cause visibility obstructions and/or blind corners at intersections.

- (1) Whenever an intersection of two or more public rights-of-way occurs, a triangular visibility area as described below shall be created. Landscaping within the triangular visibility area shall be designed to provide unobstructed cross-visibility at a level between three and six feet. Trees may be permitted in this area provided they are trimmed in such a manner that no limbs or foliage extends into the cross-visibility area. The triangular areas are:
  - a. The areas of property on both sides of the intersection of an alley access way and public right-of-way shall have a triangular visibility area with two sides of each triangle being a minimum of ten feet in length from the point of intersection and the third side being a line connecting the ends of the other two sides.
  - b. The areas of property located at a corner formed by the intersection of two or more public rights-of-way shall have a triangular visibility area with two sides of each triangle being a minimum of 25 feet in length from the point of intersection and the third side being a line connecting the ends of the other two sides. If the traffic speeds of either intersecting street are 45 M.P.H. or greater the visibility triangle will be increased in size to 45 feet in either direction.

- (2) Driveways or at intersections where large trucks frequently enter or exit highways the height of the lowest limb on any tree located within the visibility triangle shall be a minimum of nine (9') feet above grade. Landscaping, except required grass and low ground cover, shall not be located closer than three feet from the edge of any access-way pavement.
- (3) In the event other visibility obstructions are apparent in the proposed landscape plan, as determined by the city, the requirements set forth in this section may be reduced to the extent to remove the conflict.

I. Enforcement.

- (1) The provisions of this section shall be administered and enforced by the city.

- (2) If, at any time after the issuance of a certificate of occupancy, the approved landscaping is found to be in nonconformance to the standards and criteria of this section, the city shall issue notice to the owner, citing the violation and describing what action is required to comply with this section. The owner, tenant, or agent shall have 30 days from date of said notice to restore the landscaping as required. If the landscaping is not restored within the allotted time, such person shall be in violation of this chapter.

## SECTION 29: SUPPLEMENTARY REGULATIONS

A. **HEIGHT AND AREA EXCEPTIONS** - The regulations contained herein relating to the height of buildings or structures and the size of yards and other open spaces shall be subject to the following exceptions:

- (1) In any zoning district, water stand pipes and tanks, church steeples, domes and spires, ornamental cupolas, uninhabited (or one-man overseer’s penthouse not exceeding fifty square feet in size) utility or industrial structures, and City or School District buildings may be erected to exceed the height limit, as specified in the particular zoning district, provided that two (2) additional feet shall be added to the width and depth of front, side, and rear yards for each foot that such structures exceed the district height limit.
- (3) When an existing lot has an area less than the minimum number of square feet required per this Chapter, as required for the district in which it is located, and was of record, as such, at the time of the passage of this Chapter, such lot may be administratively approved for development subject to the setback, rear yard, and side yard regulations for the district in which it is located. If setbacks or other constraints exist, then the application shall be referred to the Board of Adjustment for adjudication.

B. **SWIMMING POOLS:**

- (1) A swimming pool shall be defined as any pool or open tank that is intended for human use and that contains, or is capable of containing, water to a depth at any point greater than twenty-four (24”) inches. No such swimming pool shall be constructed, maintained or operated in any district, whether as an accessory use or as a principal use, unless it complies with the following requirements and with any other related codes or policies of the City.
- (2) If located in any residential zoning district, the swimming pool shall be intended and used solely for the enjoyment of the occupants of the principal building on the property and their guests, or for the enjoyment of bona fide members of a club and their guests (provided the club itself is properly zoned).

(3) **Requirements for all Swimming Pools:**

- a. No swimming pool shall be located within a required front yard.

- b. No swimming pool (except decking) shall be located closer than three feet (3') to any side or rear property line.
- c. **Enclosures and safety devices:** The swimming pool (or the property or compound area in which the pool is located) shall be walled or fenced with a minimum four-foot (4') high fence or wall of masonry, wood or ornamental metal construction or other material that provides a solid barrier which shall be maintained in good condition, and which shall be equipped with a self-closing and self-locking gate to prevent uncontrolled access by children into the pool area. All enclosures and required safety devices shall be in accordance with Section 3109 of the International Building Code as adopted.
- d. **Filtration and Pump System:** The filtration and pump system shall be large enough to completely circulate the pool water once every six (6) hours, and shall not be located within any front yard setback. Such equipment may be located in a side or rear yard provided that it is completely screened from view and noise-buffered from any adjacent property.
- e. **Permit:** No swimming pool shall be constructed nor altered in any way without issuance of a building permit from the City and without complete compliance with this Ordinance.
- f. **Special Requirements for Swimming Pools in Apartment Complexes and in the MF, TH and MH Zoning Districts:** The swimming pool shall be located behind the front yard setback and behind the front façade of the front-most building, and it shall not be located within any required side or rear yard setback.

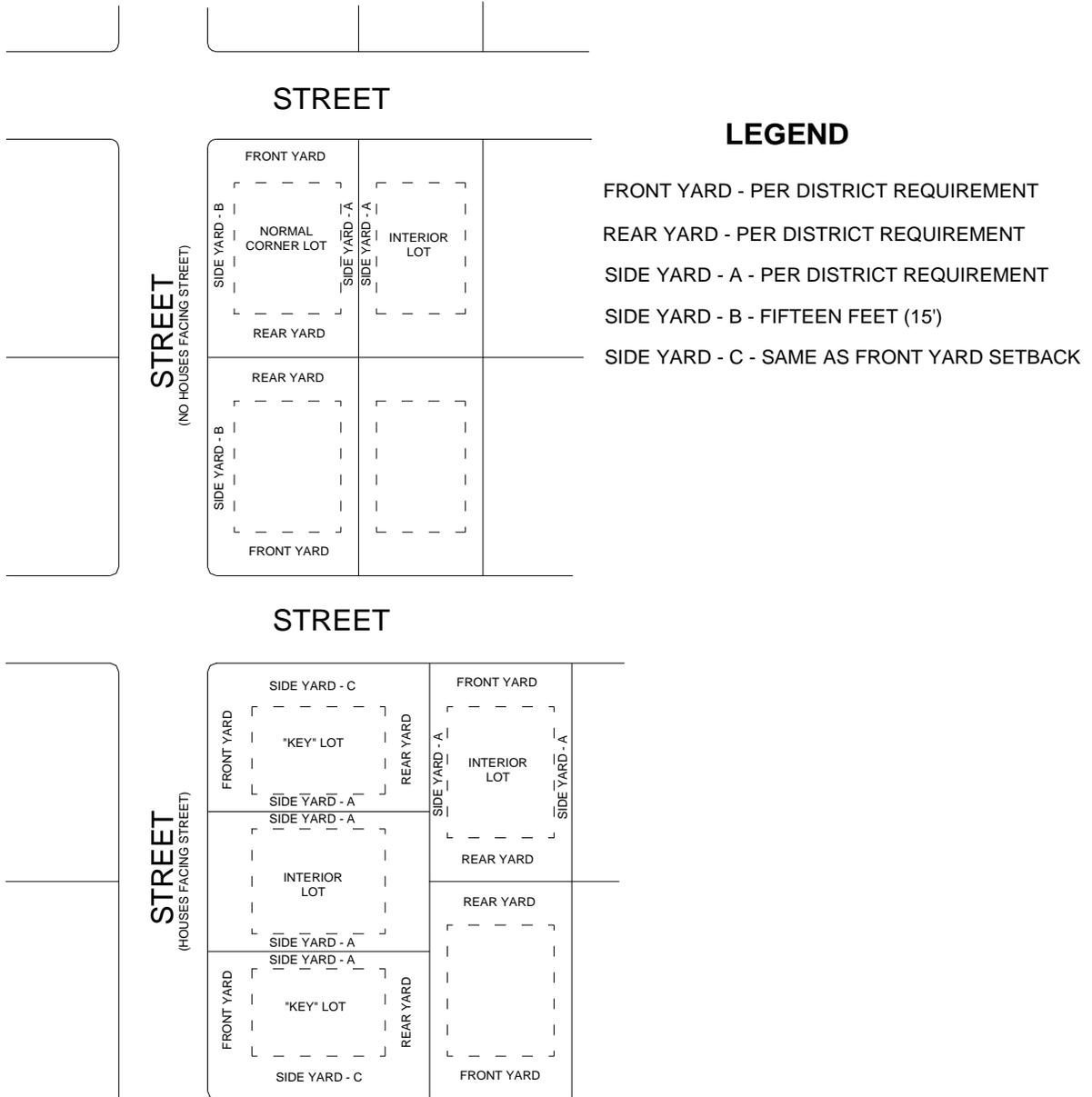
### C. SUPPLEMENTAL REGULATIONS

- (1) **Measuring Setbacks** - All setback measurements shall be made in accordance with Illustrations 29-1 thru 29-8.
- (2) **Configuration of Lots** - Wherever possible, flag lots (i.e., lots with minimal, or panhandle type, frontage) shall be avoided. Similarly, through (i.e., double frontage) lots (particularly within residential zoning districts) shall also be avoided wherever possible. (Also see Chapter 18 for regulations pertaining to the configuration of lots.)
- (3) **Building Setbacks** – All setbacks established on a recorded plat shall be enforced, even if they exceed the required setbacks in this Chapter. Setbacks established on a recorded plat shall only be changed through replat proceedings (see Chapter 18).
- (4) **Front Yard:**
  - a. On all corner lots, the front yard setback shall be observed along the frontage of both intersecting streets, unless approved specifically otherwise on a final plat. Where single-family and duplex lots have double frontage, extending from one street to another, or are on a corner, a required front yard shall be provided on both streets unless a side or rear yard building line has been established along one frontage on the plat, in which event only one required

front yard need be observed. The side and/or rear yards in the case of single-family and duplex uses shall be identified and the front of the structure shall not face the side or rear yard.

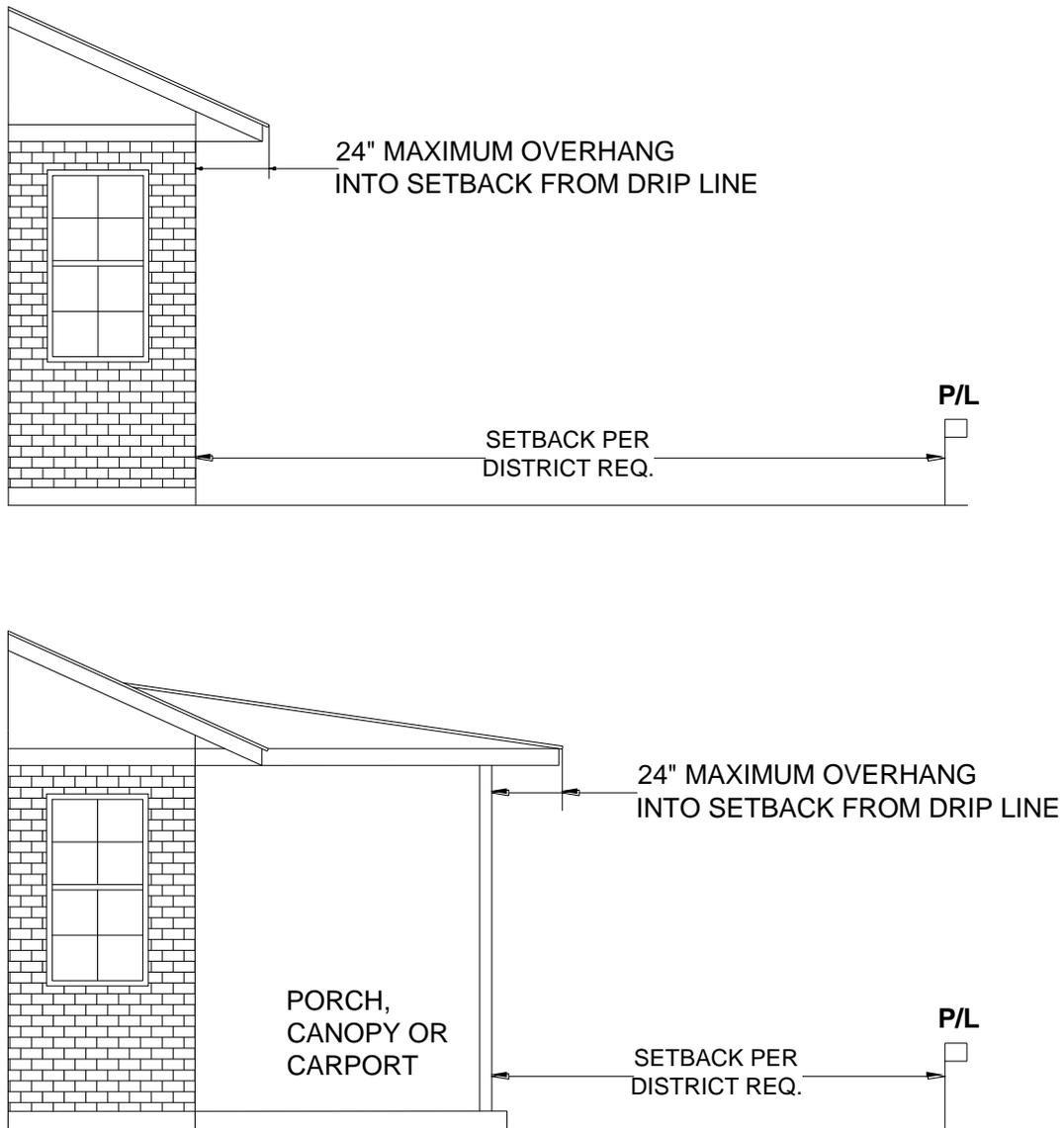
- b. Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage.
- c. The front yard shall be measured from the property line to the front face of the building, to the nearest supporting member of a covered porch or terrace, or to any attached accessory building. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four feet (4'), and subsurface structures, platforms or slabs may not project into the front yard to a height greater than thirty inches (30") above the average grade of the yard. Open porches extending into the front yard shall not be enclosed.
- d. Minimum lot widths for lots with predominate frontage on the curved radius of a street (e.g., cul-de-sac or "eyebrow" portion of a street) shall be measured as the linear distance of the curved front building line, and shall be shown on the subdivision plat. Lot widths for all lots shall be as set forth in the respective zoning district for each lot. The front building line required in a zoning district may be increased by up to five feet (5') on cul-de-sac and street eyebrow lots in order to comply with the minimum lot width required in that zoning district, provided that an adequate building pad area (i.e., has adequate depth) is retained on the lot after moving the front building line back.
- e. Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.

# ILLUSTRATION 29.1 RESIDENTIAL SETBACK DETAILS

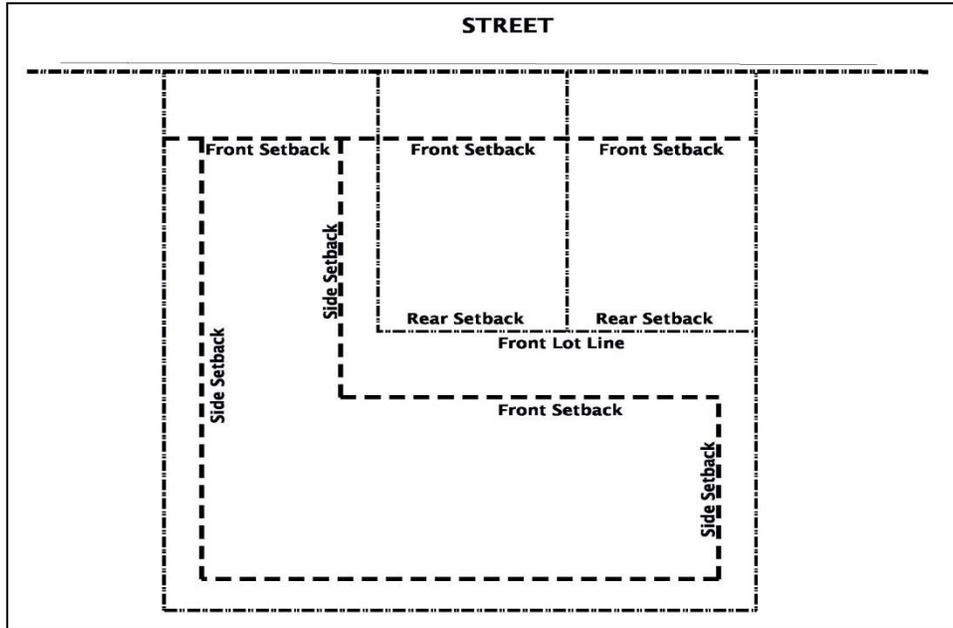


# ILLUSTRATION 29.2 RESIDENTIAL SETBACK DETAILS

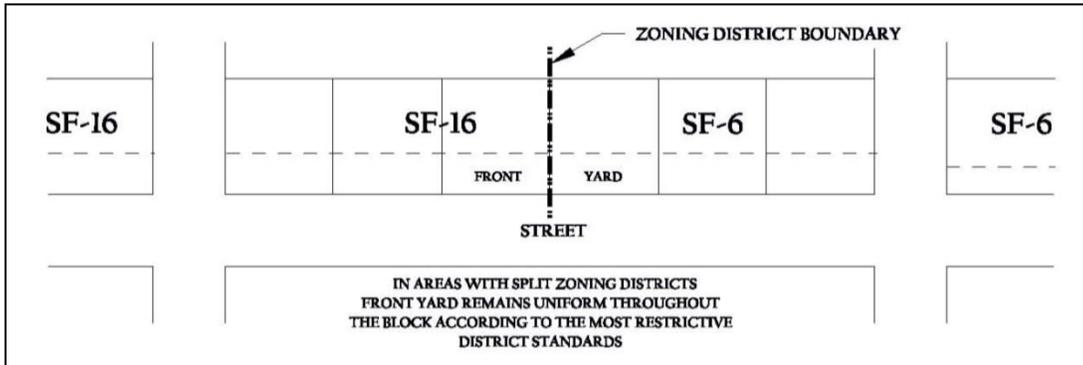
Setbacks shall be measured from the vertical wall, facade or support column closest to the property line. The maximum allowable overhang into the setback zone is two feet (2') measured from the drip line of any canopy, porch, carport, cover, roof, eave or other architectural feature to the vertical wall, façade or support column.



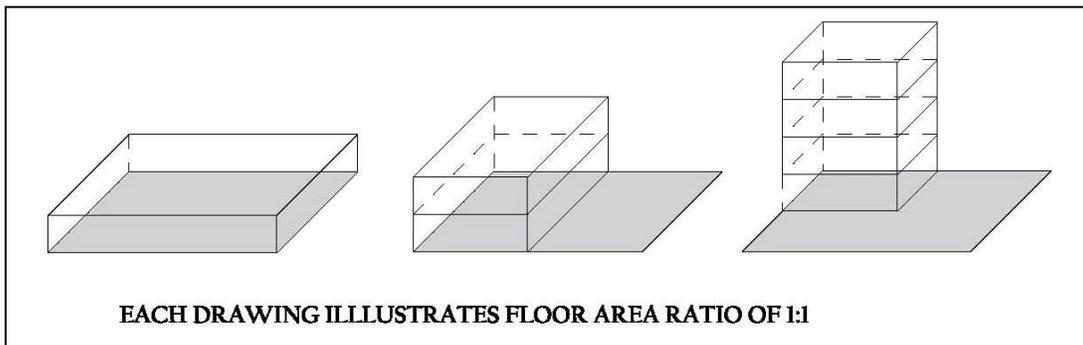
**Illustration 29-3: Flag Lot**



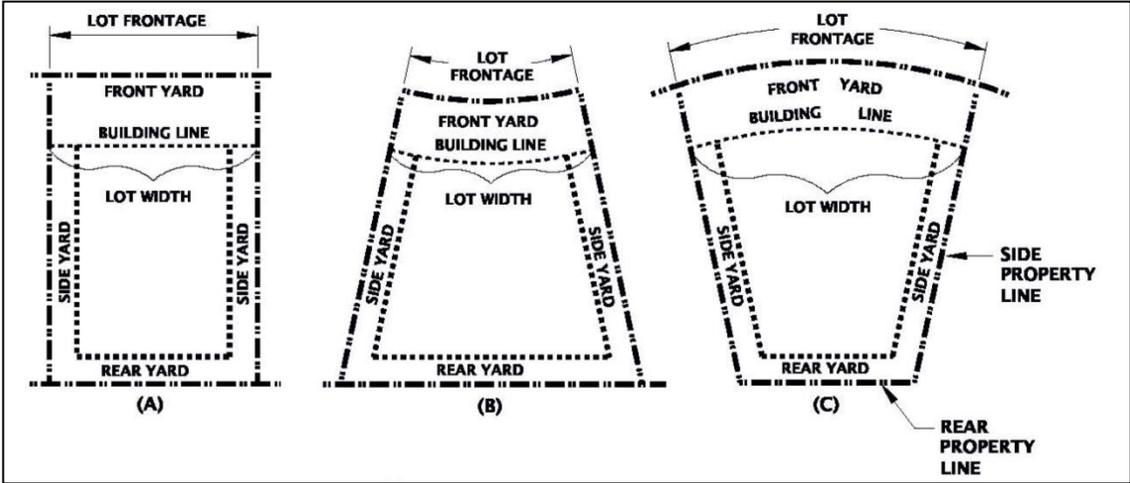
**Illustration 29-4: Front Yard Where Zoning Changes in a Block**



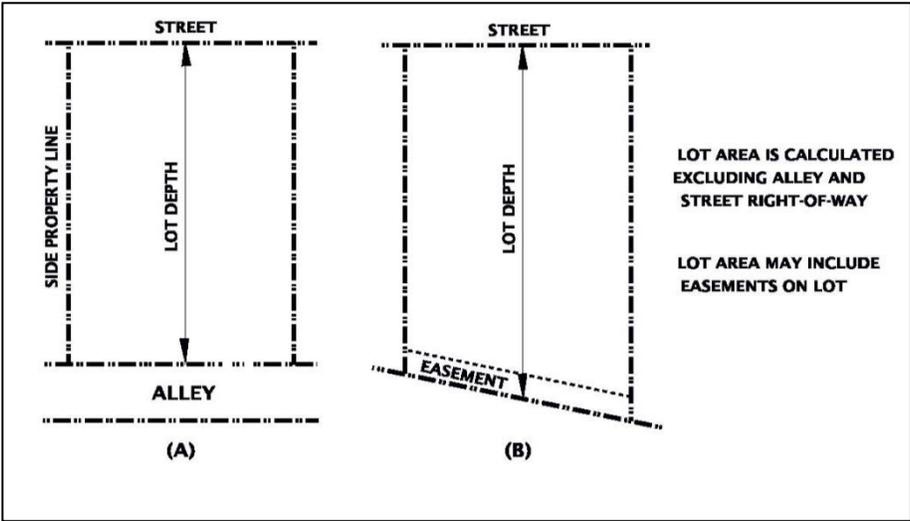
**Illustration 29-5: Floor Area Ratio**



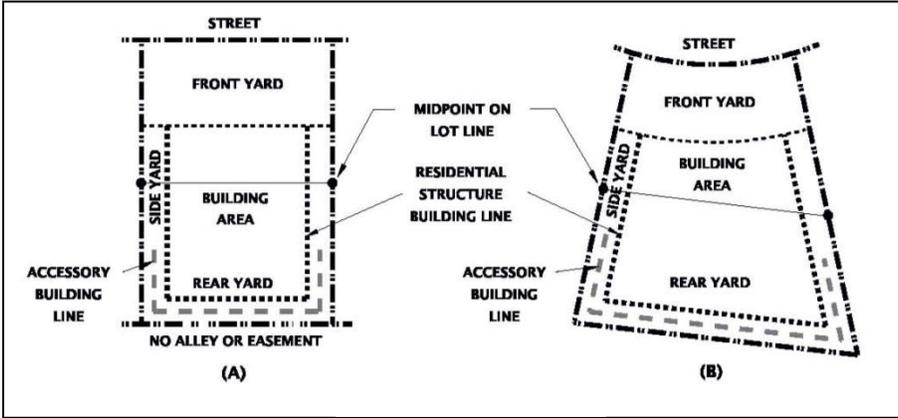
**Illustration 29-6: Lot Width**



**Illustration 29-7: Lot Area & Depth**



**Illustration 29-8: Lot Width**



(5) **SIDE AND REAR YARDS:**

- a. On a corner lot used for one or two-family dwellings, both street exposures shall be treated as front yards on all lots, except that where one street exposure is designated as a side yard for both adjacent lots or where the two lots are separated by an alley, street right-of-way, creek/flood plain area, or other similar phenomenon. In such case, a building line may be designated by the Building Official, with a minimum side yard of fifteen feet (15') or more (as determined by the applicable zoning district standards). On lots which were official lots of record prior to the effective date of this Chapter, the minimum side yard adjacent to a side street shall comply with the minimum required side yard for the respective district.
- b. Every part of a required side and rear yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, and other architectural features not to exceed twelve inches (12") into the required side or rear yard, and roof eaves projecting not to exceed thirty-six inches (36") into the required side or rear yard. Air conditioning compressors and similar equipment are permitted in the side or rear yard. Open porches extending into a side or rear yard shall not be enclosed. A canopy or awning may project into a required side or rear yard provided that it is not enclosed, and provided that it is at least five feet (5') from the property line. The minimum separation between buildings shall be maintained, per the City's Building Code.

D. **COMMUNICATIONS ANTENNAS AND SUPPORT STRUCTURES/TOWERS:**

(1) **Applicability:**

- a. These regulations apply to all commercial and amateur antennae and support structures, unless exempted in Subsection b below.
- b. **Exemptions.** Direct broadcast satellite reception, multi-channel multi-point distribution (as defined by the FCC), television reception antennae, and amateur radio antennae meeting the following requirements do not require a permit unless mounted on a pole or mast that is twenty feet (20') or more in height:
  - In any zoning district, antennae that are thirty-six (36") inches or less in diameter;
  - In a non-residential zoning district, antennae that are six (6') feet or less in diameter;
  - In any zoning district, antennae designed to only receive television broadcasts;
  - In any zoning district, amateur radio antennae concealed behind or located upon or within attics, eaves, gutters or roofing components of the building; and
  - In any zoning district, amateur radio ground-mounted whips and wire antennae, unless mounted upon a pole or mast over twenty feet (20') in height.
- c. Support structures or antennae legally installed before the effective date of this Ordinance are not required to comply with this Chapter, but must meet all

applicable State, Federal and local requirements, building codes and safety standards.

- (2) **Special Definitions** - For the purpose of this Section, the following special definitions shall apply:
- a. **Antenna, Microwave Reflector & Antenna Support Structure** - An antenna is the arrangement of wires or metal rods used in transmission, retransmission and/or reception of radio, television, electromagnetic or microwave signals (includes microwave reflectors/antennae). An antenna support structure is any tower, mast, pole, tripod, box frame, or other structure utilized for the purpose of supporting one or more antennae or microwave reflectors.
  - b. **Antenna (Non-Commercial/Amateur)** - An antenna or antenna support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals for private or personal use and not for the purpose of operating a business and/or for financial gain. A satellite dish antenna not exceeding three feet (3') in diameter shall also be considered as a non-commercial antenna.
  - c. **Antenna (Commercial)** - An antenna or antenna support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or for financial gain (e.g., commercial broadcasting, cellular/wireless telecommunications, etc.). A satellite dish antenna that exceeds three feet (3') in diameter shall also be considered as a commercial antenna.
  - d. **Collocation** - The use of a single support structure and/or site by more than one communications provider.
  - e. **Communications Operations (Non-Commercial/Amateur)** - The transmission, retransmission and/or reception of radio, television, electromagnetic, or microwave signals for private or personal use, and not for the purpose of operating a business and/or for financial gain.
  - f. **Communications Operations (Commercial)** - The transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or for financial gain.
  - g. **Height** - The distance measured from the finished grade of the lot/parcel to the highest point on the support structure or other structure, including the base pad and any antennae.
  - h. **Radio, Television or Microwave Tower** - See "Antenna, Microwave Reflector & Antenna Support Structure".
  - i. **Telecommunications Tower or Structure** - See "Antenna, Microwave Reflector & Antenna Support Structure".

- j. **Temporary/Mobile Antenna** - An antenna and any associated support structure/equipment (including, but not limited to, a support pole, a vehicle, etc.) that is placed and/or used on a temporary basis only (i.e., not intended to be permanent), usually in conjunction with a special event, news coverage or emergency situation, or in case of equipment failure or temporary augmentation of permanent communications equipment.
- k. **Wind Turbines (Electrical Generation)** – Wind turbines for electrical generation are prohibited in any residential district within the corporate city limits of Breckenridge and allowed only in the Light Industrial (LI) District by Conditional Use Permit (CUP).
- l. **Wireless Communication Tower or Structure** - See “Antenna, Microwave Reflector & Antenna Support Structure”.

(3) **General Requirements:**

- a. Antennae and support structures may be considered either principal or accessory uses.
- b. Antenna installations shall comply with all other requirements of this Chapter and this Code with the exception of those specifically cited within these regulations.
- c. No commercial antenna support structure shall be closer to any residential district boundary line or residential dwelling than a distance equal to one and one-half the height of the support structure. Such setback/distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of a residential district boundary line or residential dwelling. Setbacks from residentially zoned property do not apply to antennae attached to utility structures that exceed fifty feet (50') in height, or to antennae placed wholly within or mounted upon a building.
- d. No amateur or commercial antenna, antenna support structure, microwave reflector/antenna, or associated foundations or support wires or appurtenances shall be located within any required setback area for the front, side or rear yards.
- e. All antennae and support structures must meet or exceed the current standards and regulations of the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), Texas Historical Commission (THC) review and/or all other applicable Federal, State and local authorities. If those standards change, then the owner/user of an antenna or support structure must bring the antenna/structure into compliance within six (6) months or as may otherwise be required by the applicable regulating authority.
- f. A building permit is required to erect or install an antenna, antenna support structure and related structures/equipment, unless the particular antenna is exempt from these regulations (see Section 29.E.(1)b. above). All installations shall comply with applicable Federal, State and local building codes and the standards published by the Electronic Industries Association. Owners/users

shall have thirty (30) calendar days after receiving notice that an installation is in violation of applicable codes in order to bring it into full compliance.

- g. Antennae (amateur or commercial) shall not create electromagnetic or other interference with the City of Breckenridge's and the County's radio frequencies and public safety operations, as required by the FCC. Antennae also shall not interfere with radio or television reception of nearby property owners. In no manner shall the use of such equipment infringe upon adjoining property owners.
- h. No antenna or support structure shall be located so as to create a visual obstruction within critical visibility areas (such as at street intersections or where a private driveway enters a roadway) or a traffic safety problem.
- i. Safeguards shall be utilized to prevent unauthorized access to an antenna installation (e.g., on a water tower or utility structure, a free-standing installation, etc.). Safeguards include certain devices identified/recommended by the manufacturer of the antenna or support structure, a fence, a climbing guard, or other commercially available safety devices. Climbing spikes or other similar climbing device, if utilized, shall be removed immediately following use.
- j. Temporary antennae shall only be allowed in the following instances:
  - In conjunction with a festival, carnival, rodeo or other special event/activity;
  - In case of an emergency (e.g., severe weather, etc.) or a news coverage event;
  - When needed to restore service on a temporary basis after failure of an antenna installation. The City must be notified within 72 hours of the placement of a temporary antenna. If the temporary antenna is to be needed for more than seven (7) calendar days, then the owner/user must apply for and acquire a permit for the temporary installation on or before the eighth (8<sup>th</sup>) day following initial placement of the antenna.
- k. Collocation is greatly encouraged by the City.
  - All new support structures over fifty feet (50') in height shall be constructed to support antennae for at least two carriers, unless the structure is an alternative or stealth design, or the support structure is replacing an existing utility structure or light standard. Sufficient area for associated structures and equipment shall also be provided.
  - A support structure which is modified or reconstructed in order to accommodate collocation shall be of the same type, design and height as the existing structure, and it may be moved on the same property within fifty feet (50') of its original location provided that it is not moved any closer to residentially zoned property (if the structure was allowed by CUP, then its new location shall be within the physical/land boundaries of the CUP). The original (i.e., former) support structure shall be removed from the

property within ninety (90) calendar days following completion of the new structure.

- Where an additional antenna is to be attached to an existing support structure that already has an antenna mounted upon it, the new antenna shall comply with and be compatible with the design of the existing antenna on the collocated structure.
- l. Support buildings and equipment storage areas/buildings shall be screened from public view if mounted on a rooftop, and such screening device shall be architecturally compatible with the design and materials of the building. When ground mounted, they shall meet all applicable front, side and rear yard setback requirements of the applicable base zoning district. They shall also be of a neutral color and shall use exterior finish colors and materials that are compatible with nearby structures.
  - m. Satellite dishes and other similar antennae shall be permitted on the roof of a building, as long as satellite dishes do not exceed three (3') feet in diameter and antennae do not extend over ten feet (10') above the roof of the building. A letter certifying the roof's/building's structural stability shall be written and sealed by a registered architect or engineer, and shall be submitted to the City prior to any approval of a roof-mounted antenna. Roof-mounted antennae that comply with the provisions of these regulations do not require additional yard setbacks or setbacks from residential areas or dwellings.
  - n. Only one (1) amateur antenna/support structure shall be permitted per residential lot, except that a maximum of two (2) satellite dishes may be allowed if both units are no larger than thirty-six (36") inches in diameter (only one allowed if over three (3') feet in diameter). Maximum height of an amateur antenna shall not exceed fifty (50') feet in height measured from the ground and must be located a distance from any property line equal to the height of the antennae.
  - o. All commercial signs, flags, lights and attachments other than those required for emergency identification, communications operations, structural stability, or as required for flight visibility by the FAA and/or FCC shall be prohibited on any antenna or antenna support structure. However, lights may remain or be placed upon light standards that are altered or replaced in order for them to serve as antenna support structures provided that said lights are not commercial (i.e., for-profit) in nature, and provided that said lights are placed/replaced as the same size, configuration, number of bulbs, degree of luminance, etc. as they previously existed prior to support structure modification/replacement.
  - p. Any publicly owned antennae or antenna support structures shall be permitted in any zoning district (e.g., public safety communications, etc.) however, setbacks and other applicable standards shall apply.
  - q. In all residential zoning districts, commercial antennae and antenna support structures are prohibited, except as specified within this Section.

- A commercial antenna may be attached to a utility structure (e.g., electrical transmission/ distribution tower, elevated water storage tank, etc.) provided that the utility structure exceeds fifty feet (50') in height, and provided that the antenna does not extend more than ten feet (10') above the height of the utility structure.
  - A commercial antenna may be placed wholly within any building permitted in the zoning district. A commercial antenna may also be mounted flush to the exterior of a building/structure if it is painted and/or disguised to integrate into the overall architectural design and it is not readily visible or identifiable as an antenna from public roadways or from neighboring residential properties.
- r. In nonresidential zoning districts commercial antennae and antenna support structures are allowed as follows:
- Commercial antenna support structures are allowed by right if they do not exceed the maximum building height allowed for the zoning district in which they are located. Structures in excess of the height allowed in the zoning district may be allowed by Conditional Use Permit (CUP) provided the structure conforms in all other aspects of the base zoning district's regulations, and provided that all applicable setback requirements are satisfied. In all nonresidential zoning districts, antenna support structures must meet all setback requirements, particularly from residential zoning districts.
  - A commercial antenna may be attached to a utility structure (e.g., electrical transmission/ distribution tower, elevated water storage tank, etc.) provided that the utility structure exceeds fifty feet (50') in height, and provided that the antenna does not extend more than ten feet (10') above the height of the utility structure.
  - A commercial antenna may be placed wholly within any building permitted in the zoning district. A commercial antenna may also be mounted flush to the exterior of a building/structure if it is painted and/or disguised to integrate into the overall architectural design, and it is not readily visible/identifiable as an antenna from public roadways or from neighboring residential properties.

**E. MINIMUM DWELLING UNIT AREA:**

Minimum dwelling unit areas specified in this Chapter shall be computed exclusive of breezeways, garages, open porches, carports and accessory buildings.

**F. OPEN STORAGE AREAS:**

Open long-term storage of materials, commodities or equipment (where allowed in the specific zoning district) shall be located behind the front building line and observe all setback requirements for the main structure or building. This standard does not apply to short-term outside display; see screening requirements in Section 25.

**G. NONRESIDENTIAL STRUCTURES IN RESIDENTIAL DISTRICTS:**

Nonresidential structures (e.g., churches, schools, day care centers, etc.) which are permitted in residential zoning districts shall be designed and constructed such that they conform to the most restrictive development standards set forth in the respective zoning districts (i.e., with respect to maximum height, minimum lot size, minimum front/side/rear setbacks, screening, exterior building construction, etc.) unless otherwise stated in this Chapter or in an ordinance establishing a PD.

# SECTION 30: DEFINITIONS

For the purpose of this ordinance, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall also include the future tense; words used in the masculine gender shall also include the feminine gender; words used in the singular number shall also include the plural number; and words in the plural number shall also include the singular number, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory. For any term or use not defined herein, Webster's Dictionary (latest edition) shall be used.

- (1) **ACCESSORY BUILDING (RESIDENTIAL)** - In a residential district, a subordinate building that is attached or detached and is used for a purpose that is customarily incidental to the main structure but not involving the conduct of a business (i.e., the building area must be significantly less than that of the main structure). Examples include, but are not limited to, the following: a private garage for automobile storage, carport, tool shed, greenhouse as a hobby (no business), home workshop, children's playhouse, storage building, gazebo, patio cover, garden shelter, etc. Accessory structures are not allowed without a main building.
- (2) **ACCESSORY BUILDING (BUSINESS OR INDUSTRY)** - In the nonresidential districts, a subordinate building to the main building that does not exceed the height of the main building and does not exceed fifty percent (50%) of the floor area of the main building, and that is used for purposes accessory and incidental to the main use (see "Accessory Use").
- (3) **ACCESSORY USE** - A use that is customarily incidental, appropriate and subordinate to the principal use of land or building(s) and that is located upon the same lot therewith (i.e., the land/building area that is used for the accessory use must be significantly less than that used for the primary use, and/or the gross receipts/income that is derived from the accessory use must be significantly less than that derived from the primary use).
- (4) **ADMINISTRATIVE OFFICIAL** – The City Manager or other designated authority charged with the administration and enforcement of this Chapter, or duly authorized representative.
- (5) **ALLEY** - A minor right-of-way that is dedicated to public use and which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes, which may or may not be improved. No fences, storage or structures are allowed in alley rights-of-way.
- (6) **AMUSEMENT, COMMERCIAL (INDOOR)** - An amusement enterprise that is wholly enclosed within a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line, and that provides activities, services and/or instruction for the entertainment of customers or members, but not including amusement arcades. Uses may include, but are not limited to, the following: bowling alley, ice skating rink, martial arts club, racquetball/handball club, indoor tennis courts/club, indoor swimming pool or scuba diving facility, and other similar types of uses.
- (7) **AMUSEMENT, COMMERCIAL (OUTDOOR)** - An amusement enterprise offering entertainment and/or games of skill to the general public for a fee wherein any portion

of the activity takes place outdoors and including, but not limited to, a golf driving range, archery range, miniature golf course, batting cages, go-cart tracks, amusement parks, and other similar types of uses.

- (8) **ANTENNA (AMATEUR/NON-COMMERCIAL)** - Antennas located in a residential district shall be limited to thirty-five (35') feet in height and shall be setback from all adjacent property lines a distance equal to its height. A satellite dish antenna not exceeding six feet (6') in diameter shall also be considered a non-commercial antenna.
- (9) **ANTENNA (COMMERCIAL)** - The antenna tower/support structure in a non-residential district shall be setback from all adjacent property lines a distance equal to one and a half (1-1/2) times its height. A satellite dish antenna that exceeds six feet (6') in diameter shall also be considered as a commercial antenna. Antennas may be further restricted as to height and location by the Texas Historic Commission rules.
- (10) **ANTIQUÉ SHOP, SALES INDOORS** - A retail or wholesale establishment engaged in the selling of works of art, architectural antiques, furniture and/or other artifacts of an earlier period (i.e., over 50 years old) and that are in clean, operable and saleable condition (i.e., not junk), with all sales and storage occurring inside a building. An antique shop is differentiated from a "used merchandise store", a "resale shop" or a "consignment shop" in that it does not market common, contemporary used household goods, clothing or furnishings – rather, it deals primarily in vintage and nostalgia items (generally over 50 years old) and in antiques (generally over 100 years old) from past eras.
- (11) **ART GALLERY OR MUSEUM** - An institution for the collection and/or display of bona fide objects of art or science, and which is typically sponsored by a public or quasi-public agency and generally open to the public. An establishment that sells new art or science objects on the retail market shall be defined as a "retail store", and an establishment that sells used objects (or parts of objects) shall be defined as a "used merchandise store".
- (12) **ASSISTED LIVING FACILITY** - A facility which provides residence and care to seven (7) or more persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; convalescing from illness; or temporarily homeless due to fire, natural disaster, or financial setback together with supervisory personnel, who need limited assistance with daily living activities. A limited number of support services such as meals, laundry, housekeeping, transportation, social/recreational activities, hairdressing, etc. may be provided or associated with the assisted living facility. Units may be attached or detached, single- or double-occupancy, and may include limited kitchen facilities. Full-time medical, nursing or professional care is not typically provided by the facility, but may be privately arranged for by individual residents on a part-time or temporary basis (e.g., visiting nurses, etc.), however, full-time supervisory staff may reside onsite or be present at all times.
- (13) **AUTOMOTIVE RELATED DEFINITIONS:**
- a. **AUTOMOBILE** - A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people including but not limited to the following: passenger cars, light duty trucks and sport utility vehicles, vans

and mini-vans, motor scooters and motorcycles.

- b. **AUTO FINANCE AND LEASING** – Long-term leasing of automobiles, motorcycles, and light load vehicles but no outside storage.
- c. **AUTOMOTIVE GASOLINE OR MOTOR FUEL SERVICE STATION** - Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of automotive fuels, lubricants and automobile accessories, including those operations listed under "Automobile Repair, Minor". Vehicles which are inoperative or are being repaired may not remain parked outside these facilities for a period greater than forty-eight (48) hours.
- d. **AUTO RENTAL** – Short-term renting or leasing of automobiles, motorcycles and light load vehicles with outside storage.
- e. **AUTO PARTS AND ACCESSORY SALES (INDOORS)** - The use of any building or other premise for the primary inside display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles.
- f. **AUTO REPAIR GARAGE** - An establishment providing major or minor automobile repair services to all motor vehicles except heavy load vehicles.
- g. **AUTO REPAIR, MAJOR** - General repair or reconditioning of engines, air-conditioning systems and transmissions for motor vehicles; wrecker service; collision repair services including body, frame or fender straightening or repair; customizing; painting; welding, vehicle steam cleaning; undercoating and rust proofing; those uses listed under "Automobile Repair, Minor"; and other similar uses.
- h. **AUTO REPAIR, MINOR** - Minor repair or replacement of parts, tires, tubes and batteries; diagnostic services; minor maintenance services such as grease, oil, spark plug and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses and brake parts; automobile washing and polishing; installation of minor automobile accessories such as car alarms, radio and stereo equipment, window tinting, pin striping, cellular telephones and similar accessories; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems; and other similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under "Automobile Repair, Major" or any other similar use.
- i. **AUTO SALES (NEW)** - Retail sales of new automobiles or light load vehicles, including, as a minor part of the business, the sales of used automobiles or light load vehicles and the service of new or used vehicles.
- j. **AUTO SALES (USED)** - Retail sales, or offering for sale, used automobiles or light load vehicles.
- k. **AUTO STORAGE OR AUTO AUCTION** - The storage or impoundment, on a lot or tract which is paved in accordance with parking lot paving requirements set forth in this ordinance, of operable automobiles for the purpose of holding such

vehicles for sale, distribution and/or storage. This definition shall not include the storage of wrecked or inoperable vehicles (see "Wrecking Yard").

- I. **CAR WASH** - Washing, waxing or cleaning of automobiles or light duty trucks.
  - i. **Attended Car Wash** - The owner of the vehicle does not actually wash the vehicle. Instead, he either leaves the vehicle and comes back to retrieve it later, or he waits in a designated area while employees of the car wash facility vacuum, wash, dry, wax and/or detail the vehicle for a fee.
  - ii. **Unattended Car Wash** - The owner of the vehicle causes the vehicle to become washed. Either with an automated drive through system or a wand-type self-service (open) wash bays in which the vehicle owner drives the vehicle into the wash bay, gets out of the vehicle, and hand washes the vehicle with a wand-type apparatus by depositing coins or tokens into a machine.
- (14) **BAKERY OR CONFECTIONERY (RETAIL)** - A facility which is typically less than 2,000 square feet in size for the production and/or sale of baked goods for human consumption such as (but not limited to) pies, cakes, cookies, doughnuts, desserts, etc.
- (15) **BAKERY OR CONFECTIONERY (WHOLESALE OR COMMERCIAL)** - A manufacturing facility which is typically over 2,000 square feet in size for the production and distribution of baked goods and confectioneries to retail outlets.
- (16) **BARN** - A structure intended for the purpose of storing farming and ranching related equipment and/or housing livestock. (see Section 10 for setback requirements)
- (17) **BASEMENT (OR CELLAR)** - A portion of a building that is partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a caretaker employed on the premises.
- (18) **BED AND BREAKFAST INN OR FACILITY** - a dwelling occupied as a permanent residence by an owner or renter which serves breakfast and provides or offers sleeping accommodations in not more than five (5) rooms for transient guests for compensation.
- (19) **BLOCK** - A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the city administrator (or designee) shall determine the outline of the block. The term block also refers to part of the legal description of platted subdivisions which contain one or more lots of record.
- (20) **BOARDING OR ROOMING HOUSE** - A multi-family dwelling other than a hotel, where for compensation and by prearrangement for definite periods, lodging and/or meals are provided. A boarding or rooming house is prohibited in single-family residential districts.

- (21) **BUILDING** - Any structure intended for shelter, occupancy, housing or enclosure for persons, animals or chattel. When separated by dividing fire rated walls without openings, each portion of such structure so separated shall be deemed a separate building.
- (22) **BUILDING HEIGHT** - The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof.
- (23) **BUILDING LINE** - A line parallel, or approximately parallel, to any lot line at a specific distance there from, marking the minimum distance from the lot line that a building may be erected (see Section 27).
- (24) **BUILDING, MAIN OR PRIMARY** - A building in which the principal use of the lot on which it is situated is conducted. In a residential district any separately addressed dwelling shall be deemed to be a main building on the lot on which it is situated.
- (25) **BUILDING OFFICIAL** - The inspector or administrative official charged with responsibility for issuing permits and enforcing the Building Codes of the City of Breckenridge.
- (26) **BUILDING SITE** - See "Lot" definition.
- (27) **BUS STATION OR TERMINAL** - Any premises for the transient housing and/or parking of motor-driven buses and the loading and unloading of passengers.
- (28) **CARETAKERS' OR GUARDS' RESIDENCE** - A residence located on a premises with a main residential or nonresidential use and occupied only by a caretaker or guard employed on the premises (e.g., residence for guard in a private street development, residence for a guard/manager/caretaker for a self-storage facility or a restricted access business park, etc.).
- (29) **CARNIVAL, CIRCUS, FESTIVAL, SPECIAL EVENTS OR TENT SERVICE (TEMPORARY)** - Outdoor or indoor private or public amusement provided on a temporary basis (subject to requirements and use restrictions for Special Event Permits issued by the Police Dept.).
- (30) **CARPORT** - A structure that is open on a minimum of two sides and designed or used to shelter vehicles which meets the wind and snow loads in accordance with the adopted building codes. Also called "covered parking area."
- (31) **CEMETERY OR MAUSOLEUM** - Land used or intended to be used for the burial of deceased human remains and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.
- (32) **CEMETERY, ANIMAL** - Same as cemetery except only for the burial of pets or other animals.

- (33) **CERTIFICATE OF OCCUPANCY** - An official certificate issued by the City which indicates conformance with the zoning regulations and building codes and which authorizes legal use of the premises for which it is issued.
- (34) **CHILD CARE CENTER (OR DAY CARE CENTER OR CHILD NURSERY)** - A commercial institution or place designed for the care or training of seven (7) or more unrelated children under fourteen (14) years of age for less than 24 hours a day.
- (35) **CHURCH, RECTORY OR TEMPLE** - A building for regular assembly for religious worship which is used primarily and designed for such purpose and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns, rabbis or other clerics on the premises (tax exempt as defined by State law). For the purposes of this ordinance, religious study and other similar activities which occur in a person's primary residence shall not apply to this definition. The federal law known as RLUIPA may apply to such religious or institutional uses which may require assistance from the city attorney to interpret land use issues.
- (36) **CITY COMMISSION** - The governing body of the City of Breckenridge, Texas.
- (37) **CITY OF BRECKENRIDGE** - The City of Breckenridge, Texas, located in Stephens County; sometimes referred to as the "City".
- (38) **CLUB** - is a nonprofit association of persons who are bona fide members, paying regular dues, and are organized for a common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.
- (39) **CLUB, PRIVATE (CLASS I)** - is an establishment or enterprise wherein activities are carried on by, or for a group or association, of dues-paying members organized for some common purpose, no alcoholic beverages being sold.
- (40) **CLUB, PRIVATE (CLASS II)** - is a club, as defined above, except such establishments shall have been issued an alcoholic beverage permit by the Texas Alcoholic Beverage Commission and are not allowed in the City in any zoning district.
- (41) **COMMERCIAL/WHOLESALE LAUNDRY (DRY CLEANING PLANT)** - An industrial facility where fabrics are cleaned with substantially non-aqueous organic solvents on a commercial or wholesale basis exceeding 2,500 square feet of floor area.
- (42) **COMMUNITY/CIVIC CENTER (PUBLIC)**- A building or complex of buildings that may house municipal offices and services, and which may include cultural, recreational, athletic, food service, convention and/or entertainment facilities owned and/or operated by a municipality.
- (43) **COMMUNITY/CIVIC CENTER (PRIVATE)**- A building or complex of buildings that house cultural, recreational, athletic, food service and/or entertainment facilities privately owned and/or operated by a business, non-governmental agency or private nonprofit agency.
- (44) **COMMUNITY HOME** - A place where not more than six (6) physically or mentally impaired or disabled persons are provided room and board, as well as supervised

care and rehabilitation by not more than two (2) persons as licensed by the State of Texas (also see Chapter 123 of the Texas Human Resources Code).

- (45) **COMPREHENSIVE PLAN** - A regulatory document adopted by the City that consists of graphic and textual policies which govern the future development of the City and which consists of various components governing specific geographic areas and functions and services of the City which may include a Future Land Use Map, Thoroughfare Plan, Park Master Plan, Water and Sewer Plans, etc.
- (46) **CONCRETE OR ASPHALT BATCHING PLANT (PERMANENT)** - A permanent manufacturing facility for the production of concrete or asphalt including the outdoor storage of aggregates, sand and other materials used in the process but not including a cement kiln with produces Portland cement through a smokestack industrial process.
- (47) **CONCRETE OR ASPHALT BATCHING PLANT (TEMPORARY)** - A temporary manufacturing facility for the production of concrete or asphalt during construction of a project, and to be removed when the project is completed.
- (48) **CONDITIONAL USE** – Means any building, structure, and use which has been granted a Conditional Use Permit (CUP) by the City Commission regarding special conditions, specific restrictions or standards governing the use of the property. Also, any use which requires a Conditional Use Permit in order to be permitted on a specific property address in a particular zoning classification. A CUP is not a Variance (which see) but an Overlay on a site specific address (see Section 24).
- (49) **CONSIGNMENT SHOP/RE-SALE SHOP (also THRIFT STORE)** - See “Used Merchandise Store”.
- (50) **CONTINUING CARE RETIREMENT COMMUNITY** - A housing development designed to provide a full range of accommodations for older adults (55 years of age or older), including independent living, assisted living and skilled full-time nursing or medical care. Residents may move from one level to another as their needs change.
- (51) **CONTRACTOR'S SHOP WITH OUTSIDE STORAGE YARD** - A building, part of a building, or land area for the storage of materials, equipment, tools, products, and vehicles that are then transported off site for the performance of maintenance, repairs, installation, assembly or construction by various tradesmen.
- (52) **CONVENIENCE STORE WITH (OR WITHOUT) GASOLINE SALES** - Retail establishment selling food for off-premises consumption and a limited selection of groceries and sundries (and possibly gasoline, if pumps are provided). Does not include or offer any automobile repair services.
- (53) **COUNTRY CLUB (PRIVATE)** - A land area and buildings which may include a golf course, clubhouse, dining room, swimming pool, tennis courts and similar recreational or service uses available only to members and their guests.
- (54) **COURTYARD** - An open, unobstructed space, bounded on more than two sides by the walls of a building. An inner court is entirely surrounded by the exterior walls of

a building. An outer court has one side open to a street, alley, yard, or other permanent open space.

- (55) **COVERAGE** - The percentage of lot area covered by all buildings located thereon, including the area covered by all overhanging roofs, impervious coverage includes all paved surfaces in addition to the structures
- (56) **DANCE HALL** - An establishment open to the general public for dancing (any sales of alcoholic beverages for on premise consumption shall be subject to requirements and use restrictions for private clubs -- see definition for "Club, Private" above (also see applicable sections of the City's Ordinances regarding alcohol sales and consumption).
- (57) **DAY CAMP FOR CHILDREN** - A facility arranged and conducted for the organized recreation and instruction of children including outdoor activities on a daytime basis.
- (58) **DENSITY** - The total number of residential dwelling units allowed upon a given tract of land usually expressed in total number of units per gross acre.
- (59) **DETACHED** - Having no physical connection above the top of the floor line of the first floor with any other building or structure.
- (60) **DRAINAGE** - Adequate provision for drainage shall be made to drain storm water into the City's man-made or natural drainage systems, in accordance to the City's and State's regulations pertaining to same.
- (61) **DRY CLEANING SHOP OR LAUNDRY** - A retail custom cleaning shop not exceeding 2,500 square feet of floor area which may include drive-up service but no self-service.
- (62) **DWELLING (ACCESSORY)** - A separate secondary residential structure located on the same lot as a single-family main/primary building but not attached to the main building, sometimes known as a mother-in-law's quarters. An accessory dwelling shall not be sold, rented, leased, let, or hired out separately from the main/primary residential structure and shall only be occupied by members of the same family occupying the main/primary residential building. (see "Family" definition)
- (63) **DWELLING (MULTI-FAMILY)** - A main/primary residential building or buildings in which three or more dwelling units are located on the same platted lot of record that is used, intended, or designed to be built, used, owned, rented, leased, let or hired out to be occupied for living purposes by a single family in each dwelling unit. (see "Family" definition)
- (64) **DWELLING (SINGLE-FAMILY)** - A main/primary residential building located on a separate platted lot of record that is used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied for living purposes by a single family. (see "Family" definition)

- (65) **DWELLING SIZE / AREA** - The total square footage of a dwelling unit, including only the livable (i.e., air-conditioned) space within the home (i.e., not the garage, accessory buildings, etc.).
- (66) **DWELLING UNIT**- A single unit (structure or portion thereof) providing complete independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking and sanitation. (see "Family" definition)
- (67) **EASEMENT** - A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.
- (68) **EDUCATIONAL FACILITIES** - Public and private primary, secondary and post-secondary educational facilities offering instruction in the branches of learning and study required to be taught by the Texas Education Agency; a professional licensing/certification agency or trade, or including funded educational programs for preschool children.
- (69) **ELECTRICAL SUBSTATION (HIGH VOLTAGE BULK POWER)** - A subsidiary station in which electric current is transformed.
- (70) **ENCLOSED BUILDING** - A structure which is floored, roofed and surrounded by outside walls, which contains no opening larger than 120 square feet in area normally open to the air and which contains no series of openings forming a divided opening larger than 120 square feet in area normally open to the air. Includes an enclosed garage.
- (71) **FAIRGROUNDS OR EXHIBITION AREA** - An area or space either outside or within a building for the display of topic-specific goods or information.
- (72) **FAMILY** - One or more persons related by blood, affinity (marriage), or adoption to the second degree of consanguinity; or a group not to exceed six (6) persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit. The definition of the second degree of consanguinity for the purpose of defining a single family is spouse, siblings, parents, grandparents, children, or grandchildren in accordance with Chapter 573 of the Texas Government Code.
- (73) **FAMILY HOME (Child Care in Place of Residence)** - A facility that regularly provides care in the caretaker's own residence for not more than six (6) children under fourteen (14) years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six (6) additional elementary school siblings of the other children given care. However, the number of children, including the caretaker's own, provided care at such facility shall not exceed twelve (12) at any given time. No outside employment is allowed at the facility. This facility shall conform to Chapter 42 of the Human Resources Code of the State of Texas, as amended, and in accordance with such standards as may be promulgated by the Texas Department of Health and Human Services.
- (74) **FARM, RANCH, GARDEN, CROPS OR ORCHARD** - An area used for growing farm products, vegetables, fruits, trees, and grain and for the raising thereon of farm animals such as horses, cattle, and sheep. May also include the necessary

accessory uses for raising, treating, and storing products raised on the premises, but does not include the commercial feeding of offal or garbage to swine or other animals. Also does not include any type of agriculture or husbandry specifically prohibited by ordinance or law, such as, feed lots, slaughter pens, slaughter houses, poultry production or other uses in which high densities of live animals are keep in close quarters.

(75) **FEED AND GRAIN STORE** - An establishment for the selling of corn, grain and other food stuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery.

(76) **FINANCIAL INSTITUTION RELATED DEFINITIONS:**

a. **Depository Financial Institution** – means a Federal or State chartered depository financial institution such as a bank, savings and loan association, or credit union which conducts transactions regarding the custody, deposit, savings, loan, exchange and/or issue of money, the extension of credit, and/or facilitating the transmission of funds.

b. **Non-depository Financial Establishment** – means any establishment, entity, business, corporation, or person required to be registered with the Secretary of State as a “Credit Service Organization” (CSO) under Chapter 393 of the Texas Finance Code, such as, check cashing businesses, payday advance/loan businesses, or car title loan businesses offering one or more of the following services as defined in this section:

i. *Check cashing business* – a CSO establishment that provides check cashing services for an amount of money equal to the face of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction; or an agreement not to cash a check or execute an electronic transfer of money for specified period of time in exchange for a cash advance for a fee; or the cashing of checks, warrants, drafts, money orders, or other commercial paper for compensation by any person or entity for a fee.

ii. *Payday advance/loan business* – a CSO establishment that makes payday cash advances, payroll cash advances, short term cash loans, instant loans, or other short term money loan services and/or similar services for a specified fee, usually secured by a postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed-upon term, or until a customer’s next payday, and then cashed unless the customer repays the loan to reclaim such person’s check. Such establishments may charge a flat fee or other service charge and/or a fee or interest rate based on the size of the loan amount. Loan extensions, pay back deadline extensions (often termed rollovers) may be granted subject to additional fees or charges.

iii. *Car title loan business* – a CSO establishment that makes small or short term consumer loans that leverage the equity value of a motor vehicle, boat, or other recreational vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the car or vehicle cancel the application. Failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the vehicle.

**Exceptions:** Convenience store, gasoline stations, super markets, grocery stores or other retail establishments where consumer retail sales constitute at least 75% of the gross revenue generated on site. Pawn shops which are regulated under State Law are exempt from this definition.

- (77) **FINISHED FLOOR ELEVATION (F.F.E.)** – The top of the finished slab or lowest occupied level of a building which is required by F.E.M.A. to be a minimum of twelve (12”) inches above the 100 year base flood elevation. The F.F.E. of any structure shall be a minimum of six (6”) inches above grade.
- (78) **FLOOD PLAIN** - An area of land subject to inundation by a 100-year frequency flood as determined using standard engineering practices and generally as shown on the FIRM Flood Insurance Rate Map of the City of Breckenridge.
- (79) **FLOOR AREA** - The total gross square feet of floor space within the outside dimensions of a building including each floor level, but excluding carports, residential garages, and breezeways.
- (80) **FLOOR AREA RATIO (FAR)** - The floor area of a main building or buildings on a lot, divided by the lot area.
- (81) **FLORIST SHOP** - An establishment for the display and retail sale of flowers, small plants and accessories.
- (82) **FOOD PROCESSING** - A manufacturing or light industrial use that primarily deals with the processing and packaging of food (such as dairy or grain) products that are intended for human consumption, but which are not typically sold in volume to end users on the premises. Incidental retail sales of food products (e.g., bread and baked goods, dairy products such as cheese, etc.) created and packaged on the premises may be allowed as an accessory use.
- (83) **FOOD STORE** - A retail business establishment that displays and sells consumable goods that are not to be eaten on the premises. Prepared food may be sold only as a secondary or accessory use.
- (84) **FRANCHISED PRIVATE UTILITY (NOT LISTED)** - A utility such as one distributing heat, chilled water, cable television or similar service and requiring a franchise to operate in the City of Breckenridge.
- (85) **FRATERNAL ORGANIZATION, LODGE, CIVIC CLUB, OR UNION** - An organized group having a restricted membership and specific purpose related to the welfare of the members such as Lions, Jaycees, Elks, Masons, Knights of Columbus, or a labor union etc.
- (86) **FRONT YARD** - See "Yard, Front".
- (87) **FUNERAL HOME OR MORTUARY** - A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for

burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

- (88) **FUTURE LAND USE MAP** – The adopted land use map as a part of the Comprehensive Plan which designates the highest and best use for each part of the city delineating different classifications of uses (agricultural, residential in varying densities, open space, retail, commercial or industrial uses, municipal/public uses, etc.) in which by State Law all zoning changes must be in accordance with the Comprehensive Plan and Future Land Use Map.
- (89) **GAME ROOM** – An establishment that contains three (3) or more gaming machines.
- (90) **GAMING MACHINE** – Any electronic, electromechanical, or mechanical contrivance designed, made, and adapted solely for bona fide amusement purposes and which rewards the player exclusively with noncash merchandise prizes, toys, or novelties, or a representation of value redeemable for those items, that have a wholesale value available from a single play of the game or device of not more than ten (10) times the amount charged to play the game or device once or five dollars (\$5.00), whichever is less, or which allows the player to amass or accumulate points, tokens, or any other method to accumulate credits towards larger or greater value noncash or merchandise prizes, toys, or novelties.
- (91) **GARAGE, PRIVATE** - An enclosed accessory building, or a part of a main building, used for storage of automobiles and used solely by the occupants and their guests. Also called "enclosed parking space."
- (92) **GASOLINE SERVICE OR FILLING STATION** - See "Automotive Gasoline or Motor Fuel Service Station".
- (93) **GENERAL COMMERCIAL PLANT** - Establishments other than personal service shops for the treatment and/or processing of products as a service on a for-profit basis including, but not limited to, newspaper printing, laundry plant, or cleaning and dyeing plants.
- (94) **GENERAL MANUFACTURING** - See "Industrial, Manufacturing".
- (95) **GOLF COURSE** - An area of twenty (20) acres or more improved with trees, greens, fairways, hazards, and which may include clubhouses.
- (96) **GOVERNMENT BUILDING OR USE (CITY, COUNTY, STATE OR FEDERAL)** - Any building, land, area and/or facility (including maintenance/storage yards and shops) which is owned, leased, primarily used and/or occupied by any subdivision or agency of the following: Stephens County, the State of Texas, the United States, or other public utility or agency. Any facility which is owned, leased, used and/or occupied by the City of Breckenridge is defined as "Municipal Facility or Use", including City Hall, Courts, Libraries, Fire Stations or Police Stations, etc.
- (97) **GROUP HOME** - A dwelling unit which provides residence and care to not more than six (6) persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; or rendered

temporarily homeless due to fire, natural disaster or financial setbacks, living together with not more than two supervisory personnel as a single housekeeping unit. This definition is subject to Chapter 247 of the Texas Health and Safety Code (Personal Care Facility Licensing Act) and Chapter 123 of the Texas Human Resources Act (Community Homes for Persons with Disabilities Act), as they presently exist or may be amended in the future.

- (98) **GYMNASTIC OR DANCE STUDIO** - A building or portion of a building used as a place of work for a gymnast or dancer or for instructional classes in gymnastics or dance.
- (99) **HEAVY INDUSTRY** – Heavy industrial manufacturing or processing (smoke-stack industries) that produce explosion hazards, hazardous by-products, dusts, smoke or emissions are prohibited within the corporate city limits, including but not limited to: permanent concrete or asphalt batch plants, cement kilns, foundries, steel mills, slaughterhouses, paper mills, etc. Definition includes surface mining of coal, sand, gravel, or other natural materials which include large scale open pits, excavations, mines, etc. or involve the storage of such materials in the open at the surface in piles in excess of fifteen (15') feet tall.
- (100) **HEAVY LOAD VEHICLE** - A self-propelled vehicle having a manufacturer's recommended Gross Vehicle Weight (GVW) of greater than 16,000 pounds (including trailers), such as large recreational vehicles more than thirty-five feet (35') in length (originally manufactured as RVs, not converted), tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "Heavy Load Vehicle" unless specifically stated otherwise.
- (101) **HEAVY MACHINERY SALES AND STORAGE** - A building or open area used for the display, sale, rental or storage of heavy machinery, tractors or similar machines, or a group of machines which function together as a unit.
- (102) **HELIPORT** - An area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and other heliport facilities.
- (103) **HELISTOP/HELIPAD** - The same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.
- (104) **HOME OCCUPATION** - An occupation carried on in a dwelling unit, or in an accessory building to a dwelling unit, by a resident of the premises, which occupation is clearly incidental and secondary to the use of the premises for residential purposes (see Section 26).
- (105) **HOSPITAL (ACUTE CARE)** - An institution where sick or injured patients are given medical and/or surgical treatment intended to restore them to health and an active life, and which is licensed by the State of Texas.
- (106) **HOSPITAL (CHRONIC CARE)** - An institution where those persons suffering from illness, injury, deformity and/or deficiencies pertaining to age are given care and

treatment on a prolonged or permanent basis and which is licensed by the State of Texas.

- (107) **INCIDENTAL OR ACCESSORY RETAIL AND SERVICE USES** - Any use different from the primary use but which compliments and/or supplements the primary use (for example, a sundries shop that serves tenants of an office building or hospital). Incidental shall mean an area which constitutes not more than twenty percent (20%) of the building or space occupied by the primary use.
- (108) **INDUSTRIAL/MANUFACTURING** - Establishments engaged in the manufacturing or transformation of materials into new products. These establishments are usually described as plants and factories, and characteristically use power driven machines and materials handling equipment. Manufacturing production is usually carried on for the wholesale market, rather than for direct sale to the domestic consumer.
- (109) **INSTITUTION FOR ALCOHOLIC, NARCOTIC OR PSYCHIATRIC PATIENTS** - An institution offering out-patient treatment to alcoholic, narcotic or psychiatric patients.
- (110) **ITINERANT VENDORS** - A person or operation that offers merchandise, art or food items, produce, publications and/or services from a temporary (i.e., not permanent) stand, cart, trailer, truck or other type of vehicle that is placed or parked on a piece of property for any period of time (as differentiated from a "peddler" or "solicitor" who is mobile and who goes from place to place to sell goods or services). (Also see applicable Sections of this Code).
- (111) **KENNELS (INDOOR PENS)** - An establishment with indoor pens in which more than four (4) dogs or domesticated animals are housed, groomed, bred, boarded, trained and/or sold for commercial purposes.
- (112) **KENNELS (OUTDOOR PENS)** - An establishment with outdoor pens in which more than four (4) dogs or domesticated animals are housed, groomed, bred, boarded, trained and/or sold for commercial purposes.
- (113) **KINDERGARTEN SCHOOL (PRIVATE)** - An establishment where more than three (3) children over the age of five (5) are housed for care and/or educational training during the day or portion thereof.
- (114) **KIOSK** - A small, free-standing, one-story accessory structure having a maximum floor area of one hundred fifty (150) square feet and used for retail purposes, such as automatic teller machines or the posting of temporary information and/or posters, notices and announcements. If a kiosk is to be occupied, it shall have a minimum floor area of fifty (50) square feet.
- (115) **KITCHEN, RESIDENTIAL** - Generally, that portion of a residential dwelling that is devoted to the preparation and/or cooking of food for the purpose of consumption by residents of the dwelling. A kitchen, as referred to within this Chapter, generally indicates the presence of complete cooking facilities (i.e., stove, oven, refrigerator, and/or microwave oven) as differentiated from a "kitchenette" which provides very limited cooking facilities (i.e., single-burner hot plate, under-counter refrigerator, microwave oven only, etc.). Single-family residential structures shall not have more

than one kitchen, the presence of more than one kitchen is prima facie evidence of a multi-family occupancy and is a violation of this Chapter.

- (116) **LABORATORY EQUIPMENT MANUFACTURING** - A facility that makes or produces equipment or products used for research or testing.
- (117) **LABORATORY, SCIENTIFIC OR RESEARCH** - An establishment that engages in research, testing or evaluation of materials or products, but not medical-related (see "Medical Facilities -- Medical Laboratory").
- (118) **LANDSCAPING** - Material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees or palms, and non-living durable materials that are commonly used in landscaping such as, but not limited to, rocks, pebbles, sand, walls or fences, but excluding paving (see Section 28).
- (119) **LAUNDROMAT (OR SELF-SERVE WASHATERIA)** - A facility where patrons wash, dry and/or dry clean clothing and other fabrics in coin operated machines that are operated by the patron.
- (120) **LIGHT LOAD VEHICLE** - A self-propelled vehicle having a manufacturer's recommended gross vehicle weight (GVW) not greater than 16,000 pounds and having no more than two axles, such as pick-up trucks, sport utility vehicles, vans and mini-vans, recreational vehicles (less than thirty-five [35] feet in length), campers and other similar vehicles but not including automobiles and motorcycles.
- (121) **LIGHT MANUFACTURING OR INDUSTRIAL USE** - Manufacturing of finished products or parts, predominantly from previously prepared materials, including fabrication, assembly, and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing which do not create environmental or public health hazards during the processes.
- (122) **LIVE/WORK UNITS** – Street level units that are permitted in certain residential districts or above street level in certain non-residential districts which are initially intended for residential uses but designed to accommodate a later transition into small business entities such as professional offices, etc. without major structural renovations being required. They may also be defined as small ground floor retail, office, or service uses with the proprietors, owners or employees living in residential units above the ground floor in which public access is typically from the street frontages and private access to the residential units are from the rear of the buildings. Outside of the Multi-Family (MF) zoning district, live/work units are intended to be an accessory use only and shall be limited to no more than twenty percent (20%) of the total floor space in a mixed use application. (see also Mixed Use Residential)
- (123) **LOADING SPACE** - An off-street space or berth used for the delivery and loading/unloading of vehicles.
- (124) **LOCAL UTILITY LINE** - The facilities provided by a municipality or a franchised utility company for distribution or collection of gas, water, surface drainage water, sewage, electric power or telephone service, including pad- and pole-mounted transformers.

- (125) **LOT** - A platted (as specified in Chapter 212 of the Texas Local Government Code) parcel of land that is owned by a single entity and is intended to be used, developed or built upon as a unit, which has access to a public street. Portions of a lot may not be sold or subdivided without prior approval of a plat by the city. A lot number is part of the legal description assigned to every parcel or tract of land that has been legally subdivided and platted.
- (126) **LOT AREA** - The total area, measured on a horizontal plane, included within lot lines.
- (127) **LOT, CORNER** - A lot which has at least two adjacent sides abutting for their full lengths upon a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five degrees (135°).
- (128) **LOT DEPTH** - The mean horizontal distance between the front and rear lot lines.
- (129) **LOT, DOUBLE FRONTAGE** - A lot having frontage upon two (2) non-intersecting streets, as distinguished from a corner lot.
- (130) **LOT, FLAG** - A lot having access to a street by means of a narrow strip of land generally having a width at the rear of the lot that is much greater than its frontage, but not less than thirty (30) feet. Flag, or panhandle, lots are typically prohibited.
- (131) **LOT, INTERIOR** - A lot other than a corner lot with lots of similar uses adjacent and abutting the subject lot on both sides.
- (132) **LOT FRONTAGE** - That dimension of a lot or portion of a lot abutting onto a street, excluding the side dimension of a corner lot.
- (133) **LOT, KEY** - A corner lot whose exterior side is adjacent to the front yard of another lot, a front yard setback shall be observed for both street frontages.
- (134) **LOT LINE, FRONT** - The property line connecting the foremost points of the side lot lines running parallel with and abutting the street right-of-way line. For a lot which has a boundary line which does not abut the front street line such as a flag lot that is not a rear lot line, and lies along the same general directional orientation as the front and rear lot lines, said line shall be considered a front lot line in establishing minimum setback lines.
- (135) **LOT LINES OR PROPERTY LINES** - The lines bounding a lot as defined herein.
- (136) **LOT LINE, REAR** - The lot line farthest from and most parallel to the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line and have a value of zero.
- (137) **LOT LINE, SIDE** - Any lot line not the front or rear lot line.
- (138) **LOT OF RECORD** - A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk in the county in which it is located.
- (139) **LOT WIDTH** - The horizontal distance measured between side lot lines parallel to the front lot line, and measured from the point on the building line which is closest to the front lot line.
- (140) **MAIN/PRIMARY BUILDING** - The building or buildings on a lot which are occupied by the primary use.

- (141) **MANUFACTURED HOME DISPLAY OR SALES (NEW)** - The offering for sale, storage, or display of new manufactured housing units (e.g., HUD-Code homes, industrialized homes) on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.
- (142) **MANUFACTURED HOME DISPLAY OR SALES (USED)** - The offering for sale, storage, or display of previously owned (i.e., used), movable manufactured housing units (e.g., mobile homes/trailers, HUD-Code homes, industrialized homes) on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.
- (143) **MANUFACTURED HOME SUBDIVISION** - A parcel of land not less than five (5) acres nor greater than fifty (50) acres which is designed, improved, or intended to be used for permanent occupancy by HUD-code manufactured homes or Modular homes on individually platted lots. Facility may include a residence for the owner/manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.
- (144) **MANUFACTURED HOUSING** - Any one of three types of prefabricated housing products which are typically manufactured/assembled at a location other than the end user's permanent site, and which are regulated by the Texas Manufactured Housing Standards Act, Chapter 1201 of the Texas Occupations Code. For the purpose of this Chapter, there are three types of manufactured homes:
- a. **Mobile Home** - A structure that was constructed before June 15, 1976, built on a permanent chassis, designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred and twenty (320) or more square feet. No new or used "mobile homes" shall be moved into the city and placed on any lot for any purpose.
  - b. **HUD-Code Manufactured Home** - A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development (HUD) pursuant to the requirements of the Texas Manufactured Housing Standards Act, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems. The term does not include a recreational vehicle, as that term is defined herein and by 24 C.F.R., Section 3282.15(b).
  - c. **Industrialized Home (also called Modular Prefabricated Structure or Modular Home)** - A residential structure that is designed for the use and occupancy of one or more families, that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include any residential structure that is in excess of

two (2) stories or thirty-five (35') feet in height, as measured from the finished grade elevation at the building entrance to the peak of the roof. The term shall not mean nor apply to: (a) housing constructed of sectional or panelized systems not utilizing modular components; or (b) any ready-built home which is constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location. The term does not include mobile homes or HUD-Code manufactured homes. Industrialized homes must meet all applicable local codes and zoning regulations that pertain to construction of traditional site constructed ("stick built") homes.

(145) **MASONRY CONSTRUCTION** – (See Section 29)

(146) **MEDICAL FACILITIES:**

- a. **Clinic or Medical Office** - A facility or group of offices for one or more physicians for the examination and treatment of ill and afflicted human outpatients provided that patients are not kept overnight except under emergency conditions.
- b. **Dental Office or Doctors Office** - Same as medical office or clinic.
- c. **Hospital** (Acute Care/Chronic Care) - An institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.
- d. **Massage Establishment** - Any place of business in which massage therapy is practiced by a massage therapist, as defined in the Texas State Occupations Code Chapter 455 and licensed in accordance with State Law. "Massage therapy", as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body message. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage, therapeutic massage. Massage and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.
- e. **Public Health Center** - A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therewith.
- f. **Sanitarium** - An institution providing health facilities for inpatient medical treatment or treatment and recuperation making use of natural therapeutic agents.

- g. **Surgical Out-Patient Facility** - An establishment offering any type of surgical procedures and related care which, in the opinion of the attending physician, can be performed safely without requiring inpatient overnight hospital care and exclusive of such surgical and related care as licensed physicians ordinarily may elect to perform in their private offices.
- h. **Medical Laboratory** - An indoor establishment that includes laboratories and/or experimental equipment for medical testing, prototype design and development, and product testing.
- (147) **MINI-WAREHOUSE/SELF STORAGE FACILITY** - Small individual storage units for rent or lease, restricted solely to the storage of items. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.
- (148) **MIXED USE RESIDENTIAL** – Dwelling units located in a non-residential district such as the General Commercial District which are typically located above the ground level of a building or if located on ground floor are not on the street frontage and do not take up more than 50% of the first floor. (see Live/Work Units)
- (149) **MODEL HOME** - A dwelling in a developing subdivision, located on a legal lot of record, that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built within the same subdivision.
- (150) **MOTEL OR HOTEL** - A facility offering temporary lodging accommodations or guest rooms on a daily rate to the general public (for stays of generally fourteen (14) days or less) and providing additional services, such as restaurants, meeting rooms, housekeeping service and recreational facilities. A guest room shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee.
- (151) **MOTEL OR HOTEL, EXTENDED STAY** - A facility offering temporary lodging accommodations or guest rooms on a daily rate to the general public (for stays of generally longer than 14 days) and providing additional services, such as restaurants, meeting rooms, housekeeping service and recreational facilities. A guest room shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee.
- (152) **MOTORCYCLE** - A usually two-wheeled, self-propelled vehicle having one or two saddles or seats, and which may have a sidecar attached. For purposes of this Chapter, motorbikes, all-terrain vehicles (ATVs), motor scooters, mopeds and similar vehicles are classified as motorcycles.
- (153) **MOTORCYCLE SALES AND REPAIR** - The display, sale and/or servicing, including repair work, of motorcycles.
- (154) **MOTOR FREIGHT COMPANY** - A company using trucks or other heavy load vehicles to transport goods, equipment and similar products. Includes companies that move residential or commercial belongings.

- (155) **MOTOR VEHICLE** - Any vehicle designed to carry one or more persons which is propelled or drawn by mechanical power, such as automobiles, vans, trucks, motorcycles and buses.
- (156) **MULTIPLE-FAMILY DWELLING** - Three or more dwelling units on a single lot designed to be occupied by three or more families living independently of one another, exclusive of hotels or motels. Includes three-family units (triplex) and four-family units (quadraplex), as well as traditional apartments.
- (157) **MUNICIPAL FACILITY OR USE** - Any area, land, building, structure and/or facility (including a park, plaza, swimming pool, tennis court, maintenance building, etc.) which is owned, used, leased or operated by the City.
- (158) **NONCONFORMING USE/STRUCTURE** - A building, structure, or use of land lawfully occupied as of the effective date of this Chapter or amendments thereto, but which does not conform to the use regulations of the district in which it is situated.
- (159) **NON-PROFIT ACTIVITY BY CHURCH** - An activity such as, but not limited to, a rummage sale, bake sale, fundraising event, charitable function, etc. that is clearly in furtherance of the religious institution's tax-exempt (i.e., non-profit) purpose. An activity that is intended to generate money for profit for the institution does not qualify as a non-profit activity by a church.
- (160) **NURSERY/GARDEN SHOP (RETAIL)** - A facility which is engaged in the selling of flowers, ornamental plants, shrubs, trees, seeds, garden and lawn supplies, and other materials used in planting and landscaping, but not including cultivation and propagation activities outside a building.
- (161) **NURSERY** - An facility (wholesale or retail), that may include buildings and/or greenhouses or open spaces, for the propagation, production and growth of plants, shrubs, trees, for display and/or sale of plants, shrubs, trees and other materials used in indoor or outdoor planting.
- (162) **NURSING, CONVALESCENT (REST) HOME** - A long-term care facility providing primarily in-patient health care, personal care, or rehabilitative services over a long period of time to persons who are chronically ill, aged or disabled and who need ongoing health supervision but not hospitalization.
- (163) **OCCUPANCY** - The group classification as defined in the International Building or Fire Code as adopted or the use or intended use of the land or buildings by proprietors or tenants. (see also Certificate of Occupancy)
- (164) **OFFICES, PROFESSIONAL AND GENERAL BUSINESS** - A room or group of rooms used for the provision of executive, management and/or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations and associations, but excluding medical offices.

- (165) **OFFICE CENTER** - A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry, government or similar entity, that may include ancillary services for office workers such as a coffee shop, newspaper stand, sundries shop, hair/nail salon, etc.
- (166) **OFFICE SHOWROOM/WAREHOUSE** - A retail/wholesale establishment which combines a storage and warehousing area which is not accessible to the general public with retail and wholesale sales areas, sales offices, and display areas that is accessible to the general public for products sold and distributed from the storage and warehousing areas.
- (167) **OPEN SPACE** – is that part of any lot or tract that is used for recreational purposes, both passive and active, but not including areas used for parking or maneuvering of automobiles, or drives or approaches to and from parking areas. Floodplains, or 50 percent of any standing surface water, may be considered as open space, provided such open space is contiguous and part of the platted lot, and is maintained and utilized in the same manner and to the same degree as all other open space areas, as designated on the site plan as filed with the building permit application.
- (168) **OUTSIDE DISPLAY** – See “Temporary Outside Retail Sales”.
- (169) **OUTSIDE STORAGE** (also “Open Storage”)- The permanent and/or continuous keeping, displaying or storing, outside a building, of any goods, materials, merchandise or equipment on a lot or tract for more than twenty-four (24) hours (i.e., overnight). All outside storage shall be screened from public view.
- (170) **PAINT SHOP** - A commercial establishment where painting services are performed (but not automotive-related painting services, which would be included under "Automobile Repair, Major").
- (171) **PARCEL** - Any unplatted tract of land, or any portion of an unplatted tract of land (also see "Tract").
- (172) **PARK (PRIVATE RECREATION FACILITY)** - A recreation facility, park or playground which is not owned by a public agency such as the City or School District, and which is operated for the exclusive use of private residents or neighborhood groups and their guests and not for use by the general public.
- (173) **PARK OR PLAYGROUND (PUBLIC)** - Publicly owned and operated parks, recreation areas, playgrounds, swimming pools and open spaces that are available for use by the general public without membership or affiliation. This land use shall include special event type uses such as rodeos, concerts, festivals and other special events requiring special event permits, as set forth in this Code.
- (174) **PARKING LOT** - An off-street (i.e., not on a public street or alley), ground level area, paved in accordance with City standards, for the short- or long-term storage of motor vehicles.
- (175) **PARKING LOT OR STRUCTURE, COMMERCIAL (AUTO)** - An area or structure devoted to the parking or storage of automobiles for a fee which may include, in

the case of a parking structure only, a facility for servicing automobiles provided that such facility is an internal function for use only by automobiles occupying the structure and that such facility creates no special problems of ingress or egress.

- (176) **PARKING SPACE** - An off-street (i.e., not on a public street or alley) area, paved in accordance with City standards, that is used for parking a vehicle, and that is accessed from a paved driveway which connects the parking space with a public street. Required parking spaces may not be used for outside storage, displays or accessory structures. Offsite parking that is used to satisfy the minimum parking standards must have written permission of the property owner and must be within two hundred feet (200') of the site it is serving. Each use in a combined or shared parking lot, such as a shopping center, must each meet the minimum standards for its own parking requirement (i.e. a parking space cannot be counted towards the requirement for separate uses).
- (177) **PATIO OR GARDEN HOME (ZERO-LOT-LINE DWELLING)** - A single-family dwelling on a separately platted lot which is designed such that one side yard is reduced to zero feet in order to maximize the width and usability of the other side yard, and which permits the construction of a detached single-family dwelling with one side (i.e., wall) of such dwelling placed on the side property line. (See Section 13).
- (178) **PAWN SHOP** - An establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker). Retail sales of primarily used (i.e., pre-owned) items is also allowed, provided that the sale of such items complies with local, State and Federal regulations.
- (179) **PERSONAL SERVICE SHOP OR CUSTOM PERSONAL SERVICES** - Establishments primarily engaged in providing services generally involving the care of the person or his apparel and including (but not limited to) barber/beauty shops, dressmaking, shoe shining and repair, nail salon, tailor or seamstress services, and other similar types of uses (no outside storage) that are not otherwise defined specifically herein.
- (180) **PET SHOP AND ANIMAL GROOMING** – A retail establishment offering small animals, fish and/or birds for sale as pets, where such creatures are housed within the building, and which may include the grooming of dogs, cats and similar animals.
- (181) **PETROLEUM DISTRIBUTION/STORAGE/WHOLESALE FACILITY** - A facility for the long-term storage and distribution of petroleum that may also involve wholesale sales, but not retail sales, of petroleum and petroleum-based products. No manufacturing or refining of petroleum or petroleum-based products occurs on the premises, only storage and/or distribution functions. Any facility or storage unit with a capacity of more than one-thousand (1,000) gallons of petroleum products for wholesale distribution is prohibited within the City limits of Breckenridge.
- (182) **PLANNED DEVELOPMENT (PD) DISTRICT** - Planned associations of uses developed as integral land use units, such as industrial parks or industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing, including attached single-family dwellings or any

appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or by a combination of owners. (See Section 23 for full details of the PD adoption process).

- (183) **PLANNING AND ZONING COMMISSION** - A board which is appointed by the City Commission as an advisory body, and which is authorized to recommend changes in the zoning of property and other planning functions as delegated by the City Commission.
- (184) **PLAT** - A plan showing the subdivision of land, creating building lots or tracts, showing all essential dimensions and other information in compliance with the Subdivision Regulations of the City of Breckenridge, and which is approved by the City of Breckenridge and recorded in the plat records of Stephens County as applicable.
- (185) **PLATTED LOT** - See "Lot" and "Lot of Record".
- (186) **PLAYFIELD OR STADIUM (PUBLIC)** - An athletic field or stadium owned and operated by a public agency (e.g., City of Breckenridge, the School District, etc.) for the general public including a baseball field, soccer field, golf course, football field or stadium which may be lighted for nighttime play.
- (187) **PLAYFIELD OR STADIUM (PRIVATE)** - An athletic field or stadium owned and operated by an agency other than the City of Breckenridge or the School District.
- (188) **PORTABLE BUILDING SALES** - An establishment which displays and sells structures capable of being carried and transported to another location, but not including manufactured homes. Such display is wholly or partially out of doors.
- (189) **PREMISES** - Land together with any buildings or structures situated thereon, same as "LOT".
- (190) **PRIMARY USE** - The principal or predominant use of any lot or building.
- (191) **PRIVATE ACCESS** - Access to a property, other than from a dedicated street, which is approved by the City of Breckenridge.
- (192) **PRIVATE CLUB** – (see CLUB, PRIVATE, herein) An establishment providing social and/or dining facilities which may provide alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, that portion of Title 3, Chapter 32, of the Texas Alcoholic Beverage Code, as the same may be hereafter amended, and as it pertains to the operation of private clubs.
- (193) **PRIVATE PARTY RENTAL FACILITY** – A facility that is leased or rented on a temporary basis for private parties. May require special permits if alcohol is consumed.
- (194) **PRODUCE STAND** - A seasonal use for which the primary purpose and design is to sell fruit, nuts, vegetables and similar foods, typically from a non-permanent

structure. No cooking or on-premises consumption of produce occurs on the site. All seasonal sales vendors must have a valid operating permit issued by the City.

- (195) **PROFESSIONAL SERVICE** - Work performed which is commonly identified as a profession, and which may be licensed by the State of Texas, such as, architect, engineer, etc.
- (196) **PROPANE SALES** - Retail sales of gaseous substances commonly used for household purposes such as propane and/or butane; does not include the storage, sale or distribution of other types of combustible substances or alternative fuels such as containerized natural gas, liquid propane, etc.
- (197) **PUBLIC VIEW** - Public view means areas that can be seen from any public street.
- (198) **REAR YARD** - See "Yard, Rear".
- (199) **RECREATION/COMMUNITY CENTER** - A public or private facility designed and equipped for the conduct of sports, special events, leisure time activities, and other customary and usual recreational activities.
- (200) **RECREATIONAL VEHICLE (RV)** - A self-propelled (i.e., motorized) or towable unit (camping or RV trailer, fifth wheel, tent trailer, etc.) which is typically used for temporary human occupancy away from the users' permanent place of residence for travel, camping, vacations, etc.
- (201) **RECREATIONAL VEHICLE/CAMPER SALES AND LEASING** - An establishment that sells, leases and/or rents new and/or used recreational vehicles, travel trailers, campers, boats/watercraft, and similar types of vehicles.
- (202) **RECREATIONAL VEHICLE (RV) RESORT PARK** - An area or commercial campground for users of recreational vehicles, travel trailers, and similar vehicles to reside, park, rent or lease on a temporary basis.
- (203) **RECYCLING BIN/KIOSK** - A small uninhabited structure (120 square feet maximum) or temporary container (e.g., dumpster-type container) which provides a self-service location for the depositing of non-liquid recyclable materials such as aluminum cans (e.g., "can banks"), glass bottles, magazines/newspapers, metal or plastic containers, etc. Recyclables are picked up periodically from the site. This definition does not include large trailers or manned collection centers.
- (204) **REHABILITATION CARE FACILITY/INSTITUTION**- A facility which provides residence and care to seven (7) or more persons regardless of legal relationship who have demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct living together with not more than two (2) supervisory personnel as a single housekeeping unit.
- (205) **RESIDENCE** - Same as a dwelling unit; also, when used with district, an area of residential regulations.
- (206) **RESIDENCE HOTELS** - A multi-unit, extended stay lodging facility consisting of efficiency units and/or suites with complete kitchen facilities and which is suitable

for long-term occupancy. Customary hotel services such as linens and housekeeping, telephones, and upkeep of furniture shall be provided. Meeting rooms, club house, and recreational facilities intended for the use of residents and their guests are permitted. This definition shall not include other dwelling units as defined by this Ordinance.

- (207) **RESIDENTIAL DISTRICT** - District where the primary purpose is residential use.
- (208) **RESTAURANT OR CAFETERIA (WITH DRIVE-THROUGH OR DRIVE-IN SERVICE)** - An eating establishment where vehicular traffic is primary to their business which may have indoor dining facilities as well as drive-in service where customers consume food in their vehicle including drive-through windows for pick-up of food for off premise consumption.
- (209) **RESTAURANT OR CAFETERIA (WITH NO DRIVE-THROUGH SERVICE)** - An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which do not have a drive-through window.
- (210) **RETAIL OR SERVICE, INCIDENTAL** - The rendering of incidental retailing or services incidental to the primary use. In the Office district, for example, such uses may include a barber/beauty shop, smoke shop, news stand, candy counter, restaurant, pharmacy or other incidental activity secondary to the primary office occupancy. Incidental uses shall mean uses which occupy less than twenty percent (20%) of the building or space that is occupied by the principal use.
- (211) **RETAIL STORE/SHOP (FOR DRY GOODS)** - This major group includes retail stores which sell any number of lines of primarily new merchandise including but not limited to dry goods, apparel and accessories, furniture and home furnishings, building materials, small wares, electronics, appliances, hardware, but not food or alcoholic beverages. Outside storage may or may not be permitted. The stores included in this group are known as department stores, variety stores, general merchandise stores, general stores, home improvement centers, etc. and are divided into buildings containing less than 12,000 square feet or more than 12,000 square feet, which is the threshold for requiring fire sprinkler systems (except when certain occupancy loads require sprinklers regardless of square footage).
- (212) **RETAIL STORE/SHOP (GROCERY)** This major group includes retail stores which sell any number of lines of primarily food products including but not limited to prepared foods, can goods, fresh produce, dairy products, bakery products, meat products, delicatessen, or alcoholic and non-alcoholic beverages. Outside storage may or may not be permitted. The stores included in this group are known as grocery stores, food stores, convenience stores, etc. and are divided into buildings containing less than 12,000 square feet or more than 12,000 square feet, which is the threshold for requiring fire sprinkler systems (except when certain occupancy loads require sprinklers regardless of square footage).
- (213) **RETIREMENT HOUSING FOR THE ELDERLY (also INDEPENDENT LIVING CENTER or CONGREGATE HOUSING)** - A development providing self-contained dwelling units specifically designed for the needs of the elderly. Units may be rented or owner-occupied. To qualify as retirement housing, a minimum of 80% of

the total units shall have a household head 55 years of age or greater. No long-term or permanent skilled nursing care or related services are provided.

- (214) **ROOM** - A building or portion of a building which is arranged, occupied or intended to be occupied as living or sleeping quarters but not including toilet or cooking facilities.
- (215) **SALVAGE/RECYCLING YARD (ALSO SEE WRECKING YARD)** - The reclamation and storage of used products or materials. All recycled materials stored on site shall be in bins, containers, trailers or indoors. No open storage on the ground is allowed.
- (216) **SAND, GRAVEL OR STONE EXTRACTION AND/OR STORAGE** - The process of extracting and/or storing sand, gravel, stone, topsoil, compost or other products from the earth.
- (217) **SCHOOL, BUSINESS/VOCATIONAL** - A for-profit business that offers instruction and training in a profession, service or art such as a secretarial or court reporting school, barber/beauty college or commercial art school including commercial trade schools, such as, auto repair, welding, brick laying, machinery operation/repair, and similar trades.
- (218) **SCHOOL, PRIVATE (PRIMARY OR SECONDARY)** - A school under the sponsorship of a private agency or corporation, other than a public or religious agency, which offers a curriculum that is generally equivalent to public elementary and/or secondary schools.
- (219) **SCHOOL, PUBLIC, CHARTER OR PAROCHIAL** - A school under the sponsorship of a public or religious agency which provides elementary and/or secondary curricula, but not including private business or commercial trade schools.
- (220) **SCIENTIFIC AND INDUSTRIAL RESEARCH LABORATORIES** - Facilities for research include laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment. Laboratories handling hazardous biological or chemical agents, such as, disease organisms or pesticides are prohibited within the City Limits of Breckenridge.
- (221) **SCREENING ELEMENT** – Any approved system of shielding or concealment, effectively hiding from the view of a person standing at ground level on an abutting site, or from a public roadway. An operation, use or storage of materials or equipment on property requiring to be so screened, by a fence, wall, hedge, berm or similar architectural or landscape feature. Dumpsters, outside storage and loading docks must be screened from view from a public roadway in addition to screen walls that are required to be erected between nonresidential uses and residential uses unless specifically exempted by this ordinance.
- (222) **SEASONAL USES/ITEMS** – Temporary seasonal uses include the sales of items such as Christmas trees, holiday decorations, pumpkins, snow cones, fresh produce, spring planting materials, and other items which are typically only

available or marketed at certain times of the year in a non-permanent setting (i.e., includes itinerant vendors).

- (223) **SERVANT'S QUARTERS OR GUEST HOUSE** - An accessory dwelling in a residential district for the sole use and occupancy of a member of the immediate family or of a person or persons employed on the premises by the occupant on a full-time basis as domestic help such as a maid, nanny/governess, groundskeeper, chauffeur, cook or gardener, but not involving the lease, rental or sale of such facilities or the use of separate metered utility connections for such facilities.
- (224) **SEXUALLY ORIENTED BUSINESS** - See the City's Ordinances for definitions and regulations.
- (225) **SHOPPING/RETAIL CENTER** - A group of primarily retail and service commercial establishments that is planned, constructed and managed as a total entity, and which provides customer and employee parking on-site, unloading/delivery areas which are separated from customer access, and aesthetically appropriate design and protection from the elements.
- (226) **SIDE YARD** - See "Yard, Side".
- (227) **SINGLE-FAMILY DWELLING, ATTACHED (TOWNHOUSE)** - A dwelling which is joined to another dwelling at one or more sides by a party (i.e., shared) wall, which is designed for occupancy by one family, and which is located on a separate lot delineated by front, side and rear lot lines.
- (228) **SINGLE-FAMILY DWELLING, DETACHED** - A dwelling designed and constructed as a free-standing structure for occupancy by one family, and located on a lot or separate building tract having no physical connection to a building located on any other lot or tract.
- (229) **SKILLED NURSING FACILITY** – see Nursing Home.
- (230) **SMALL ENGINE REPAIR SHOP** - Shop for the repair of lawn mowers, chain saws, lawn equipment, and other machines with one-cylinder engines.
- (231) **STABLE, COMMERCIAL** - A stable used for the rental of stall space or for the sale or rental of horses or mules.
- (232) **STABLE, PRIVATE** - An area used solely for the owner's private purposes for the keeping of horses, mules or ponies which are not kept for remuneration, hire or sale.
- (233) **STORAGE OR WHOLESALE WAREHOUSE** - A building used primarily for the storage of goods and materials and for the distribution of such goods by truck or railroad modes of transportation.
- (234) **STORY** - That portion of a building (above grade), other than a basement, that is included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, then the space between the floor and the ceiling above it. The average height for a story shall be defined as twelve feet (12'). A

single story accessory building including the roof shall not exceed eighteen (18') feet in height. A loft with a vertical side wall exceeding three (3') feet in height and a head clearance of seven (7') feet or more for more than fifty (50%) of the space shall be considered an additional floor. The definition of a story does not include parapets, gables and other normal roof structures. In cases where the site has a significant slope, the number of stories (i.e., height) of a building shall be measured from a point representing the average slope from front to back (or side to side) of the building.

- (235) **STORY, HALF OR LOFT** - A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet (3') above the top floor level, and in which not more than fifty (50%) of the floor area is finished off for use. A half-story containing an independent apartment or self-contained living quarters shall be counted as a full story.
- (236) **STREET** - Any dedicated public thoroughfare which affords the principal means of access to abutting property. A street is deemed to be a major thoroughfare or arterial when the right-of-way is greater than sixty feet (60').
- (237) **STREET INTERSECTION** - Any street which joins another street at an angle, whether or not it crosses the other.
- (238) **STREET YARD** - The area between the building line and the property line/right-of-way line. On most lots, this will be the front yard, but in some instances can also be the side yard and/or rear yard, depending on the configuration of the lot to adjacent rights-of-way.
- (239) **STRUCTURE** - Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground (also see definition of "Building").
- (240) **STRUCTURAL ALTERATIONS** - Any change in the supporting members of a building, such as load-bearing walls or partitions, foundations, columns, beams or girders, or any substantial change in the roof or in the exterior walls.
- (241) **STUDIO, HEALTH/REDUCING/FITNESS** - Includes, but is not limited to, an establishment which provides facilities and equipment (e.g., gymnasiums, weight rooms, swimming pools/spas, exercise apparatus, instruction/classes, etc.) which are intended to promote health, fitness, weight reduction and/or similar health-related activities. Such facilities may include such accessory uses as food service, sales of sundries and apparel, and child care services, provided that such accessory uses are clearly incidental to the primary use and are for the use of studio patrons only (i.e., not the general public). No outside signage may be used to advertise accessory uses.
- (242) **STUDIO, TATTOO OR BODY PIERCING** - A building or portion of a building used for selling and/or applying tattoos (by injecting dyes/inks into the skin), and/or for piercing the skin with needles, jewelry or other paraphernalia, primarily for the purpose of ornamentation of the human body. Includes "permanent makeup" used to mask injuries, scars, etc.
- (243) **STUDIO FOR RADIO AND TELEVISION** - A building or portion of a building used as a place for radio or television broadcasting.

- (244) **SWIMMING INSTRUCTION AS A HOME OCCUPATION** - The teaching of swimming in a private swimming pool. (Also see Home Occupation Regulations, Section 26.)
- (245) **SWIMMING POOL, COMMERCIAL** - A swimming pool with accessory facilities which is not part of the municipal or public recreational system and which is not a private swim club, but where the facilities are available for use by the general public for a fee.
- (246) **SWIMMING POOL, PRIVATE** - A swimming pool constructed for the exclusive use of the residents of a one-family, two-family or multiple-family dwelling and located, fenced and built in accordance with the adopted building codes of the City of Breckenridge Ordinances. A private swimming pool shall not be operated as a business nor maintained in a manner to be hazardous or obnoxious to adjacent property owners.
- (247) **TELEMARKETING CENTER** - An establishment which solicits business or the purchase of goods and/or services by telephone only. No sales of goods or services to the public occur at or on the premises. No products are stored at or on the premises. Telemarketing is prohibited in any residential district if any other persons lot living in the residence are employed in the process.
- (248) **TELEPHONE AND EXCHANGE, SWITCHING/RELAY OR TRANSMITTING STATION** - A line for the transmission of telephone signals and a central office in which telephone lines are connected to permit communication but not including a business office, storage (inside or outside) or repair yards.
- (249) **TEMPORARY BUILDING** - Any nonresidential prefabricated structure which is not originally manufactured or constructed at its use site, requiring permanent on-site installation of utilities and/or foundation. (See next definition below).
- (250) **TEMPORARY FIELD OFFICE OR CONSTRUCTION YARD OR OFFICE** - A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment. Temporary permits for one (1) year for a specific time and location as determined may be issued by the City and shall be subject to review and renewal for reasonable cause.
- (251) **TEMPORARY OUTSIDE RETAIL SALES / COMMERCIAL PROMOTION** (also "Outside Display") - Outside temporary display of finished goods that are specifically intended for retail sale by the owner or lessee of the premises (i.e., does not include itinerant vendors) but not displayed outside overnight. May not be placed in such a way as to obstruct traffic (both pedestrian and vehicle), sidewalks, fire lanes, loading zones or visibility.
- (252) **TEMPORARY USES** - Uses lasting for only a limited period of time; not permanent. Short-term or seasonal uses that would not be appropriate on a permanent basis.
- (253) **TENNIS COURT, PRIVATE** - A surface designed and constructed for playing the game of tennis along with all fencing, nets and related appurtenances but

excluding lighting for nighttime play in residential areas except as may be otherwise provided or restricted by the conditional use permit.

- (254) **THEATER, DRIVE-IN (OUTDOOR)** - An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.
- (255) **THEATER OR PLAYHOUSE (INDOOR)** - A building or part of a building devoted to the showing of motion pictures, or for dramatic, musical or live performances.
- (256) **THOROUGHFARE PLAN** – The officially designated map depicting all Federal, State, County and City streets, highways, thoroughfares, arterials, collectors, etc. both existing and future as part of the Comprehensive Plan for the efficient and safe development of transportation systems within the City and its Extraterritorial Jurisdiction.
- (257) **TIRE DEALER, NO OUTSIDE OR OPEN STORAGE** - A retail establishment engaged in the sale and/or installation of tires for vehicles, but without open storage.
- (258) **TIRE DEALER, WITH OUTSIDE OR OPEN STORAGE** - A retail establishment engaged in the sale and/or installation of tires for vehicles, with open storage. Tires stored outdoors shall have a protective covering the tires in such a way as to prevent rain from entering the tires and becoming a breeding ground for mosquitoes.
- (259) **TOOL AND MACHINERY RENTAL SHOP** - A building or a portion of a building used for the display and rental of tools, machinery and instruments.
- (260) **TRACT** - A single individual parcel or lot.
- (261) **TRAILER RENTAL** - The display and offering for rent of trailers designed to be towed by automobiles and light load vehicles.
- (262) **TRAILER, TRAVEL OR CAMPING** - A portable recreational vehicle (RV) or mobile living unit which is used for temporary human occupancy away from the users' permanent place of residence, which does not constitute the users' principal place of residence, and which is designed to be towed behind another vehicle.
- (263) **TRANSPORTATION AND UTILITY STRUCTURES/FACILITIES** - Permanent facilities and structures operated by companies engaged in providing transportation and utility services including but not limited to railroad track rights-of-way, sewage pumping stations, telephone exchanges, transit station turnarounds, water reservoirs and water pumping stations.
- (264) **TRUCK** - A light or heavy load vehicle (see definitions for "Light Load Vehicle" and "Heavy Load Vehicle").
- (265) **TRUCK AND BUS REPAIR** - An establishment providing major and minor automotive repair services to heavy load vehicles.
- (266) **TRUCK AND BUS LEASING** - The rental of new or used panel trucks, vans, trailers, recreational vehicles or motor-driven buses in operable condition and where no repair work or intensive cleaning operations are performed.
- (267) **TRUCK STOP** - A facility for the parking, refueling and/or minor repair of heavy load tractor-trailer trucks. These facilities may also include retail sales of food

and/or other items, restaurant(s), restroom/showers facilities, and/or temporary sleeping quarters.

- (268) **TRUCK TERMINAL** - An area and building where cargo is stored and where trucks, including tractor and trailer units, load and unload cargo on a regular basis. May include facilities for the temporary storage of loads prior to shipment.
- (269) **TRUCK SALES (HEAVY TRUCKS)** - The display, sale or rental of new or used heavy load vehicles in operable condition.
- (270) **TWO-FAMILY DWELLING (DUPLEX)** - Two attached dwelling units in one structure that are divided by a property line centered on the common wall with each unit located on its own platted lot, each designed to be occupied by one family.
- (271) **USABLE OPEN SPACE** - An open area or recreational facility which is designed and intended to be used for outdoor living and/or recreation purposes. An area of usable open space shall have a slope not exceeding ten percent (10%), shall have no dimension of less than ten feet (10'), and may include landscaping, walks, recreational facilities, water features and decorative objects such as art work or fountains.
- (272) **USE** - The purpose for which land or buildings are or may be occupied in a zoning district.
- (273) **USED MERCHANDISE STORE** (also "Resale Shop" or "Thrift Store" or "Consignment Shop") An establishment that generally markets common, contemporary used household goods, clothing or furnishings on a straight "for sale" basis or on a consignment basis. This term includes a used merchandise store that is operated by a non-profit, charitable or religious organization.
- (274) **UTILITIES/INFRASTRUCTURE** – Essential services or facilities which serve to distribute, or transmit electrical power, gas and water, including but not limited to electrical transmission lines, gas transmission lines, telephone lines and metering stations, or to collect, dispose or accommodate wastewater sewerage and storm water run-off, whether operated or maintained by the City or private utility company. Including overhead, surface and underground systems, which are required for the above services including transmission lines, towers, poles, wires, mains, pipes, concrete pipes and drain inlets, culverts, fire hydrants, stand pipes, vaults, fire alarm boxes, relay stations, street lights, transformers, traffic signal equipment, or other similar equipment and easements for the same in order to protect the health, safety and welfare of the public.
- (275) **VARIANCE** - An adjustment in the application of the specific regulations of this Chapter to a particular parcel of property which, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district. Only the Board of Adjustment can grant a variance subject to the restrictions pursuant to Section 2-32 of this Code.
- (276) **VETERINARIAN CLINIC** - An establishment where animals and pets are admitted for examination and medical treatment (also see "Kennels").

- (277) **WAREHOUSE DISTRIBUTION CENTER** – Typically a large scale storage facility which receives equipment, products, parts, goods or merchandise that are redistributed to industrial, manufacturing, wholesale or retail customers.
- (278) **WEDDING RENTAL FACILITY** – A private secular (non-church) facility which is leased or rented on a temporary basis for private wedding parties or other private parties. May require special permits if alcohol is consumed.
- (279) **YARD** - An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this Ordinance that the building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used.
- (280) **YARD, FRONT** - A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building.
- (281) **YARD, REAR** - The area extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.
- (282) **YARD, SIDE** - The area between the building and side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building.
- (283) **ZERO-LOT-LINE DWELLING** - See "Patio/Garden Home".
- (284) **ZONING BOARD OF ADJUSTMENT** - A board established by Chapter 2, Article III of this Code, which is appointed by the City Commission, and which is authorized to make special exceptions to this Chapter (i.e., variances), and to hear and decide any appeals that allege error in an order, requirement, decision or determination made by an administrative official in the enforcement of this Chapter. Also referred to as the "BOA."
- (285) **ZONING DISTRICT** - A classification applied to any certain land area within the City stipulating the limitations and requirements of land usage and development. (See Section 6).
- (286) **ZONING DISTRICT MAP** - The official map upon which the boundaries of the various zoning districts are drawn and which is an integral part of this Chapter. The Official Zoning Map is maintained by the City Secretary, all other copies, depictions posted on the internet, or electronic versions are for reference only and are not to be considered official for zoning purposes.





## BRECKENRIDGE CITY COMMISSION AGENDA SUMMARY FORM

**Subject:** Discussion and any necessary action regarding award of construction contract related to the TX-CDBG #CDM22-0020 Downtown Revitalization Project

**Department:** Administration

**Staff Contact:** Cynthia Northrop

**Title:** Admin

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### BACKGROUND INFORMATION:

The City received a Downtown Revitalization grant for \$500,000 for sidewalk improvements at Rose Avenue and Elm Street. The construction contract came in lower than expected which has allowed us to use leftover funds to pave Elm Street from Rose Avenue to McAmis. That is also the location of water line improvements currently underway through the TWDB DWSRF project. That project is also underway and they are starting the water line replacement for W. Elm with the section between Rose and McAmis first, so we can immediately follow up with the pavement project using leftover funds from the Downtown Revitalization project.

A Request for Proposals was issued. Two bids were received. Unfortunately, while both bids meet requirements of the Contract Documents, they both came in higher than what we budgeted for the project. Current funds available are \$148,692. The Engineer's estimate for the project is \$200,000. We knew we would need to cover the delta of approximately \$50,000.

Bidders and amounts are:

MTL Construction - \$278,964.16  
Salvation Site Services - \$300,327.00

We have two options:

1. Reject all bids and rebid the project
2. Award the bid to MTL Construction and pay an additional \$130,272.16 instead of \$50,000.

### FINANCIAL IMPACT:

#### Funding Summary

The project is funded through a **\$500,000 grant** with a **required local match of \$75,000**. The City is also contributing **\$18,500 in additional local funds** to support Phase II engineering.

- **Grant Funds:** \$500,000
- **Local Match:** \$75,000

- **Additional Local Funds:** \$18,500

**Total Project Budget:** \$593,500

### **Budget Overview**

- **Administration:** \$35,000 (Grant)
- **Engineering Phase I:** \$105,400 (\$65,400 Grant / \$40,000 Local Match)
- **Engineering Phase II:** \$18,500 (Additional Local Funds)
- **AAJ Construction (Phase I – Sidewalks):** \$285,908
  - \$270,302.61 Grant / \$15,605.39 Local Match
- **Construction Phase II (Elm Street):** \$148,692
  - \$129,297.39 Grant / \$19,394.61 Local Match

### **STAFF RECOMMENDATION:**

Due to the cost, City Engineer and city staff recommend rejecting all bids and re-bidding the project.



February 3, 2026

City of Breckenridge  
105 N Rose Ave.  
Breckenridge, Texas 76424  
Attn: Mr. Bob Sims, Mayor

**Re: Bid Award Evaluation  
2022 TXCDBG No. CDM-0020 Downtown Revitalization Program  
Sidewalk Improvements – Phase 2  
City of Breckenridge, Stephens County, Texas**

Dear Mayor Sims:

Bids for the referenced project were opened and read aloud on February 2, 2026. Two (2) bids were received and are summarized in the attached bid tabulation. The apparent low bidder is MTL Construction, based out of Canyon Lake, Texas.

The responsiveness and responsibility of the low bidder has been evaluated for conformity with all material conditions of the Advertisement to Bid and the Information for Bidders. Additionally, the contractor's ability to perform the project successfully and the qualifications submitted by the low bidder have been evaluated in accordance with the Contract Documents. The contractor's bid meets requirements of the Contract Documents and therefore no informalities of the bid process were required to be waived.

The available funding amount for this project is \$148,692. The published estimate for the work was approximately \$200,000. The City would be able to cover the difference in cost of approximately \$50,000 with available local paving funds.

The low bid submitted by MTL Construction is \$278,964.16, which would require the City to commit local paving funds in the amount of \$130,272.16.

Based upon the available funding, it is recommended to reject all bids and re-advertise the project.

We look forward to assisting the City with completion of this project.

Sincerely,

**Enprotec / Hibbs & Todd**

Sage Diller, P.E.

SD/jd

Encl: Bid Tabulation

c: Cynthia Northrop, City Manager  
Kristen Boswell, Public Management  
Project File 8699

P:\Projects\Breckenridge, City of\8699 DTR Sidewalk Improvements\8699.01 DTR Sidewalk Imp - Phase 2\5. Bidding Phase\Bidder Evaluation\020226 Recommendation of Award.doc

Enprotec / Hibbs & Todd, Inc., 402 Cedar Street, Abilene, Texas 79601

**TABULATION OF BIDS FOR: TXCDBG #CDM22-0020 Downtown Revitalization Program Sidewalk Improvements-Phase 2, City of Breckenridge, Texas**

BIDS RECEIVED: 2/2/2026

PE Firm Registration No. 1151

Item No.	Quantity	Unit	Item	BASE BID		MTL Construction		Salvation Site Services	
				Unit Cost	Amount	Unit Cost	Amount	Unit Cost	Amount
1	1	LS	Mobilization, Bonds & Insurance	\$ 18,213.19	\$ 18,213.19	\$ 19,295.00	\$ 19,295.00		
2	1	LS	Traffic Control Plan	\$ 6,514.56	\$ 6,514.56	\$ 2,694.00	\$ 2,694.00		
3	1	LS	Implement Stormwater Pollution Prevention Plan	\$ 2,160.00	\$ 2,160.00	\$ 2,500.00	\$ 2,500.00		
4	1	LS	Erosion Control Measures	\$ 3,840.00	\$ 3,840.00	\$ 2,205.00	\$ 2,205.00		
5	1	LS	Site Demolition	\$ 12,224.00	\$ 12,224.00	\$ 15,230.00	\$ 15,230.00		
6	1,735	SY	Mill & Dispose of Existing Asphalt	\$ 23.76	\$ 41,223.60	\$ 17.88	\$ 31,016.00		
7	388	GAL	Tack Coat (CCS-1H) (0.5-0.15 GAL/SY)	\$ 9.45	\$ 3,666.60	\$ 3.06	\$ 1,188.00		
8	188	TON	HMAC Type "D" (2") (PG 70-22) Pavement	\$ 273.67	\$ 51,449.96	\$ 552.55	\$ 103,879.00		
9	128	SY	4" Thick Class "A" Concrete Sidewalk	\$ 127.44	\$ 16,312.32	\$ 81.23	\$ 10,397.00		
10	705	LF	Standard 6" Curb and Gutter	\$ 23.14	\$ 16,313.70	\$ 45.88	\$ 32,343.00		
11	125	SY	Standard Concrete Driveway Apron	\$ 137.47	\$ 17,183.75	\$ 122.60	\$ 15,325.00		
12	1	LS	Standard Pavement Markings	\$ 3,594.00	\$ 3,594.00	\$ 6,600.00	\$ 6,600.00		
13	1	EA	Concrete Manhole Collar	\$ 1,640.00	\$ 1,640.00	\$ 1,650.00	\$ 1,650.00		
14	1	EA	Manhole Rim Adjustment	\$ 2,180.00	\$ 2,180.00	\$ 1,650.00	\$ 1,650.00		
15	1	LS	Temporary Project Signage	\$ 1,200.00	\$ 1,200.00	\$ -	\$ -		
16	1	LS	New Electrical Rack, Lighting, Panel, Food Truck Pedestals	\$ 81,248.48	\$ 81,248.48	\$ 54,355.00	\$ 54,355.00		
<b>TOTAL BASE BID PRICE (Items 1 thru 16)</b>					<b>\$ 278,964.16</b>		<b>\$ 300,327.00</b>		

I, SAGE DILLER, P.E. #96645, DO HEREBY CERTIFY THAT THE ABOVE REFERENCED BIDS WERE RECEIVED, IN ACCORDANCE WITH THE ADVERTISED PROCEDURES, OPENED, AND READ ALOUD. THE BID TABULATION HEREIN IS A TRUE AND ACCURATE REPRESENTATION OF THE BIDS READ ALOUD.

  
SAGE DILLER, P.E., #96645



2/2/2026



**BRECKENRIDGE CITY COMMISSION  
AGENDA SUMMARY FORM**

**Subject:** Discussion and any necessary action on Resolution 2026-03 affirming policies related to the City's TX-CDBG CDV25-0207 (Panther Street) Grant

**Department:** Administration

**Staff Contact:** Cynthia Northrop

**Title:** Admin

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**BACKGROUND INFORMATION:**

The City applied for and received a CDBG Grant for \$750,000 to improve Panther Street, 4<sup>th</sup> Street and 2<sup>nd</sup> Street. Use and receipt of grant funds requires the City's commitment to meet applicable federal requirements. This resolution affirms the City's agreement. See resolution for details.

**FINANCIAL IMPACT:**

NA

**STAFF RECOMMENDATION:**

Consider approval of Resolution 2026-03 affirming polices related to the City's TX-CDBG CDV25-0207 (Panther Street) Grant.

**RESOLUTION No.2026-03 Regarding Civil Rights -****The City of Breckenridge, Texas**

Whereas, the City of Breckenridge, Texas, (hereinafter referred to as “City of Breckenridge”) has been awarded TxCDBG funding through a TxCDBG grant from the Texas Department of Agriculture (hereinafter referred to as “TDA”);

Whereas, the City of Breckenridge, in accordance with Section 109 of the Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG activity, on the basis of race, color, religion, sex, national origin, age, or disability;

Whereas, the City of Breckenridge, in consideration for the receipt and acceptance of federal funding, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections;

Whereas, the City of Breckenridge, in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 75, is required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the Section 3 Service Area;

Whereas, the City of Breckenridge, in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State’s certification requirements at 24 CFR 91.325(b)(6), must adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations;

Whereas, the City of Breckenridge, in accordance with Executive Order 13166, must take reasonable steps to ensure meaningful access to services in federally assisted programs and activities by persons with limited English proficiency (LEP) and must have an LEP plan in place specific to the locality and beneficiaries for each TxCDBG project;

Whereas, the City of Breckenridge, in accordance with Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability and agrees to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds; and

Whereas, the City of Breckenridge, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period of the TxCDBG contract, to affirmatively further fair housing;

Whereas, the City of Breckenridge, in accordance with the Violence Against Women Act (VAWA) Reauthorization Act of 2022, to ensure that no local nuisance or crime-free ordinances must not result in penalties or eviction for victims of domestic violence and/or violent crimes.

Whereas, the City of Breckenridge, agrees to maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS, that:

The CITY OF BRECKENRIDGE REAFFIRMS The following policies:

1. Citizen Participation Plan and Grievance Procedures (Form A1013);
2. Excessive Force Policy (Form A1003);
3. Fair Housing Policy (Form A1015).
4. Section 504 Policy and Grievance Procedures (Form A1004); and
5. Code of Conduct Policy (Form A1002).

The City affirms its commitment to:

6. Ensuring the right to seek law enforcement and/or emergency assistance as documented in the Violence Against Women Act Certification (Form A1025).

The City affirms its commitment to conduct a project-specific analysis and take all appropriate action necessary to comply with program requirements for the following:

6. Section 3 economic opportunity;
7. Limited English Proficiency; and
8. Activity to Affirmatively Further Fair Housing Choice.

**Passed and approved this 10th day of February, 2026.**

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Bob Sims, Mayor  
City of Breckenridge, Texas

ATTEST:

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Jessica Sutter, City Secretary  
City of Breckenridge, Texas

**RESOLUCIÓN No. 2026-03 Con respecto a los Derechos Civiles -****La ciudad de Breckenridge, Texas**

Considerando que, la Ciudad de Breckenridge, Texas, (en lo sucesivo denominada "Ciudad de Breckenridge") ha recibido fondos de TxCDBG a través de una subvención de TxCDBG del Departamento de Agricultura de Texas (en lo sucesivo denominada "TDA");

Considerando que, la Ciudad de Breckenridge, de conformidad con la Sección 109 del Título I de la Ley de Vivienda y Desarrollo Comunitario (24 CFR 6); la Ley de Discriminación por Edad de 1975 (42 U.S.C. 6101-6107); y la Sección 504 de la Ley de Rehabilitación de 1973 (29 U.S.C. 794) y para los contratos de construcción de más de \$10,000, debe tomar medidas para garantizar que a ninguna persona o grupo se le nieguen beneficios como el empleo, capacitación, vivienda y contratos generados por la actividad de CDBG, por motivos de raza, color, religión, sexo, origen nacional, edad o discapacidad;

Considerando que, la Ciudad de Breckenridge, en consideración a la recepción y aceptación de fondos federales, acepta cumplir con todas las reglas y regulaciones federales, incluidas las reglas y regulaciones que rigen la participación ciudadana y las protecciones de los derechos civiles;

Considerando que, la Ciudad de Breckenridge, de acuerdo con la Sección 3 de la Ley de Vivienda y Desarrollo Urbano de 1968, según enmendada, y 24 CFR Parte 75, está obligada, en la mayor medida posible, a proporcionar oportunidades de capacitación y empleo a los residentes de bajos ingresos y oportunidades de contrato a las empresas en el Área de Servicio de la Sección 3;

Considerando que, la Ciudad de Breckenridge, de conformidad con la Sección 104(1) de la Ley de Vivienda y Desarrollo Comunitario, según enmendada, y los requisitos de certificación del Estado en 24 CFR 91.325(b)(6), debe adoptar una política de fuerza excesiva que prohíba el uso de fuerza excesiva contra manifestaciones no violentas de derechos civiles;

Considerando que, la Ciudad de Breckenridge, de acuerdo con la Orden Ejecutiva 13166, debe tomar medidas razonables para garantizar un acceso significativo a los servicios en programas y actividades con asistencia federal por parte de personas con dominio limitado del inglés (LEP) y debe tener un plan LEP específico para la localidad y los beneficiarios para cada proyecto de TxCDBG;

Considerando que, la Ciudad de Breckenridge, de acuerdo con la Sección 504 de la Ley de Rehabilitación de 1973, no discrimina por motivos de discapacidad y acuerda garantizar que las personas calificadas con discapacidades tengan acceso a programas y actividades que reciben fondos federales; y

Considerando que, la Ciudad de Breckenridge, de acuerdo con la Sección 808(e)(5) de la Ley de Vivienda Justa (42 USC 3608(e)(5)) que requiere que los programas y actividades de HUD se administren de manera afirmativa para promover las políticas de la Ley de Vivienda Justa, acuerda realizar al menos una actividad durante el período del contrato de TxCDBG, promover afirmativamente la equidad en la vivienda;

Visto y considerando: Que la Ciudad de Breckenridge, de acuerdo con la Ley de Reautorización de la Ley de Violencia contra la Mujer (VAWA) de 2022, para garantizar que ninguna ordenanza local molesta o libre de delitos no debe resultar en sanciones o desalojo para las víctimas de violencia doméstica y/o delitos violentos.

Visto y considerando: Que la Ciudad de Breckenridge, se compromete a mantener normas de conducta escritas que cubran los conflictos de intereses y rijan las acciones de sus empleados que participan en la selección, adjudicación y administración de contratos.

**AHORA, POR LO TANTO, RESUÉLVASE POR LA COMISIÓN DE LA CIUDAD DE BRECKENRIDGE, TEXAS, QUE:**

La CIUDAD DE BRECKENRIDGE REAFIRMA las siguientes políticas:

1. Plan de Participación Ciudadana y Procedimientos de Quejas (Formulario A1013);
2. Póliza de Fuerza Excesiva (Formulario A1003);
3. Política de Vivienda Justa (Formulario A1015).
4. Sección 504 Política y Procedimientos de Quejas (Formulario A1004); y
5. Política del Código de Conducta (Formulario A1002).

La Ciudad reafirma su compromiso de:

6. Garantizar el derecho a buscar asistencia policial y/o de emergencia como se documenta en la Certificación de la Ley de Violencia contra la Mujer (Formulario A1025).

La Ciudad afirma su compromiso de llevar a cabo un análisis específico del proyecto y tomar todas las medidas apropiadas necesarias para cumplir con los requisitos del programa para lo siguiente:

6. Sección 3 oportunidades económicas;
7. Dominio limitado del inglés; y
8. Actividad para Promover Afirmativamente la Elección de Vivienda Justa.

**Aprobado y aprobado el día 10 de febrero de 2026.**

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Bob Sims, Alcaldesa  
Ciudad de Breckenridge, Texas

**ATESTIGUAR:**

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Jessica Sutter, Secretaria de la Ciudad  
Ciudad de Breckenridge, Texas



BRECKENRIDGE CITY COMMISSION  
AGENDA SUMMARY FORM

**Subject:** Discussion and any necessary action on Section 3 Policy Information for the City's TX-CDBG CDV25-207 (Panther Street) Grant

**Department:** Administration

**Staff Contact:** Cynthia Northrop

**Title:** Admin

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**BACKGROUND INFORMATION:**

The City applied for and received a CDBG Grant for \$750,000 to improve Panther Street, 4<sup>th</sup> Street and 2<sup>nd</sup> Street. Use and receipt of grant funds requires the City's commitment to affirm agreement to several policies including citizen participation, excessive force policy, fair housing policy, Section 504 Policy, Code of Conduct and Conflict of Interest Policy.

**FINANCIAL IMPACT:**

NA

**STAFF RECOMMENDATION:**

Consider approval of agreement to Section 3 Policy Information for City's TX-CDBG CDV25-0207 (Panther St.) Grant.

## CITIZEN PARTICIPATION PLAN

### TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

#### COMPLAINT PROCEDURES

These complaint procedures comply with the requirements of the Texas Department of Agriculture's Texas Community Development Block Grant (TxCDBG) Program and Local Government Requirements found in 24 CFR §570.486 (Code of Federal Regulations). Citizens can obtain a copy of these procedures at the City of Breckenridge, 105 N. Rose Avenue, Breckenridge, Texas 76424, (254) 559-8287, during regular business hours.

Below are the formal complaint and grievance procedures regarding the services provided under the TxCDBG project.

1. A person who has a complaint or grievance about any services or activities with respect to the TxCDBG project, whether it is a proposed, ongoing, or completed TxCDBG should contact City of Breckenridge, at 105 N. Rose Avenue, Breckenridge, Texas 76424, or may call, (254) 559-8287
2. A copy of the complaint or grievance shall be transmitted by the City Secretary to the entity that is the subject of the complaint or grievance and to the City Attorney within five (5) working days after the date of the complaint or grievance was received.
3. The City shall complete an investigation of the complaint or grievance, if practicable, and provide a timely written answer to the person who made the complaint or grievance within ten (10) days.
4. If the investigation cannot be completed within ten (10) working days per 3 above, the person who made the grievance or complaint shall be notified, in writing, within fifteen (15) days where practicable after receipt of the original complaint or grievance and shall detail when the investigation should be completed.
5. If necessary, the grievance and a written copy of the subsequent investigation shall be forwarded to the TxCDBG for their further review and comment.
6. If appropriate, provide copies of grievance procedures and responses to grievances in both English and Spanish, or other appropriate language.

#### TECHNICAL ASSISTANCE

When requested, the City shall provide technical assistance to groups that are representative of persons of low- and moderate-income in developing proposals for the use of TxCDBG funds. The City, based upon the specific needs of the community's residents at the time of the request, shall determine the level and type of assistance.

#### PUBLIC HEARING PROVISIONS

For each public hearing scheduled and conducted by the City, the following public hearing provisions shall be observed:

1. Public notice of all hearings must be published at least seventy-two (72) hours prior to the scheduled hearing. The public notice must be published in a local newspaper. Each public notice must include the date, time, location, and topics to be considered at the public hearing. A published newspaper article can also be used to meet this requirement so long as it meets all content and timing requirements. Notices should also be prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups.
2. When a significant number of non-English speaking residents are a part of the potential service area of the TxCDBG project, vital documents such as notices should be published in the predominant language of these non-English speaking citizens.
3. Each public hearing shall be held at a time and location convenient to potential or actual beneficiaries and will include accommodation for persons with disabilities. Persons with disabilities must be able to attend

the hearings and the City must make arrangements for individuals who require auxiliary aids or services to be contacted at least two days prior to the hearing.

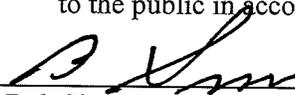
- 4. A public hearing held prior to the submission of a TxCDBG application must be held after 5:00 PM on a weekday or at a convenient time on a Saturday or Sunday.
- 5. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City shall comply with the following citizen participation requirements for the preparation and submission of an application for a TxCDBG project:

- 1. At a minimum, the City shall hold at least one (1) public hearing prior to submitting the application to the Texas Department of Agriculture.
- 2. The City shall retain documentation of the hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the proposed use of funds for three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.
- 3. The public hearing shall include a discussion with citizens as outlined in the applicable TxCDBG application manual to include, but is not limited to, the development of housing and community development needs, the amount of funding available, all eligible activities under the TxCDBG program, and the use of past TxCDBG contract funds, if applicable. Citizens, with particular emphasis on persons of low- and moderate-income who are residents of slum and blight areas, shall be encouraged to submit their views and proposals regarding community development and housing needs. Citizens shall be made aware of the location where they may submit their views and proposals should they be unable to attend the public hearing.
- 4. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City must comply with the following citizen participation requirements in the event that the City receives funds from the TxCDBG program:

- 1. The City shall also hold a public hearing concerning any substantial change, as determined by TxCDBG, proposed to be made in the use of TxCDBG funds from one eligible activity to another again using the preceding notice requirements.
- 2. Upon completion of the TxCDBG project, the City shall hold a public hearing and review its program performance including the actual use of the TxCDBG funds.
- 3. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, for either a public hearing concerning substantial change to the TxCDBG project or for the closeout of the TxCDBG project, publish notice in both English and Spanish, or other appropriate language and provide an interpreter at the hearing to accommodate the needs of the non-English speaking residents.
- 4. The City shall retain documentation of the TxCDBG project, including hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the actual use of funds for a period of three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.

  
 \_\_\_\_\_  
 Bob Sims, Mayor

10-11-22  
 Date

**Excessive Force Policy**

In accordance with 24 CFR 91.325(b)(6), City of Breckenridge hereby adopts and will enforce the following policy with respect to the use of excessive force:

1. It is the policy of City of Breckenridge to prohibit the use of excessive force by the law enforcement agencies within its jurisdiction against any individual engaged in non-violent civil rights demonstrations;
2. It is also the policy of City of Breckenridge to enforce applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.
3. City of Breckenridge will introduce and pass a resolution adopting this policy.

As officers and representatives of City of Breckenridge, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

  
\_\_\_\_\_  
Bob Sims, Mayor

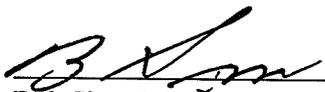
10-11-22  
Date

**Fair Housing Policy**

In accordance with Fair Housing Act, the City of Breckenridge hereby adopts the following policy with respect to the Affirmatively Furthering Fair Housing:

1. City of Breckenridge agrees to affirmatively further fair housing choice for all seven protected classes (race, color, religion, sex, disability, familial status, and national origin).
2. City of Breckenridge agrees to plan at least one activity during the contract term to affirmatively further fair housing.
3. City of Breckenridge will introduce and pass a resolution adopting this policy.

As officers and representatives of the City of Breckenridge, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

  
\_\_\_\_\_  
Bob Sims, Mayor

10-11-22  
Date

**Section 504 Policy Against Discrimination  
based on Handicap and Grievance Procedures**

In accordance with 24 CFR Section 8, Nondiscrimination based on Handicap in federally assisted programs and activities of the Department of Housing and Urban Development, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Section 109 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309), City of Breckenridge hereby adopts the following policy and grievance procedures:

1. Discrimination prohibited. No otherwise qualified individual with handicaps in the United States shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Housing and Urban Development (HUD).
2. The City of Breckenridge does not discriminate on the basis of handicap in admission or access to, or treatment or employment in, its federally assisted programs and activities.
3. The City of Breckenridge recruitment materials or publications shall include a statement of this policy in 1. above.
4. The City of Breckenridge shall take continuing steps to notify participants, beneficiaries, applicants and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipients that it does not discriminate on the basis of handicap in violation of 24 CFR Part 8.
5. For hearing and visually impaired individuals eligible to be served or likely to be affected by the TxCDBG program, City of Breckenridge shall ensure that they are provided with the information necessary to understand and participate in the TxCDBG program.
6. Grievances and Complaints
  - A. Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for City of Breckenridge to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.
  - B. Complaints should be addressed to: City of Breckenridge, City Secretary, 105 N. Rose Avenue, Breckenridge, Texas 76424, (254) 559-8287, who has been designated to coordinate Section 504 compliance efforts
  - C. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
  - D. A complaint should be filed within thirty (30) working days after the complainant becomes aware of the alleged violation.
  - E. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by the City. Informal but thorough investigations will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
  - F. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by the City, and a copy forwarded to the complainant with fifteen (15) working days after the filing of the complaint where practicable.
  - G. The Section 504 coordinator shall maintain the files and records of the City of Breckenridge relating to the complainant's files.

- H. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the determination/resolution as described in f. above. The request for reconsideration should be made to the City of Breckenridge within ten working days after the receipt of the written determination/resolution.
- I. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the U.S. Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- J. These procedures shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and assure that the City of Breckenridge complies with Section 504 and HUD regulations.

  
\_\_\_\_\_  
Bob Sims, Mayor

10-11-22  
Date

**CODE OF CONDUCT**

**CONFLICT OF INTEREST POLICY PERTAINING TO PROCUREMENT PROCEDURES**

As a Grant Recipient of a TxCDBG contract, the City of Breckenridge shall avoid, neutralize or mitigate actual or potential conflicts of interest so as to prevent an unfair competitive advantage or the existence of conflicting roles that might impair the performance of the TxCDBG contract or impact the integrity of the procurement process.

For procurement of goods and services, no employee, officer, or agent of the City of Breckenridge shall participate in the selection, award, or administration of a contract supported by TxCDBG funds if he or she has a real or apparent conflict of interest. Such a conflict could arise if the employee, officer or agent; any member of his/her immediate family; his/her partner; or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

No officer, employee, or agent of the City of Breckenridge shall solicit or accept gratuities, favors or anything of monetary value from contractors or firms, potential contractors or firms, or parties to sub-agreements, except where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

Contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements.

For all other cases, no employee, agent, consultant, officer, or elected or appointed official of the state, or of a unit of general local government, or of any designated public agencies, or subrecipients which are receiving TxCDBG funds, that has any grant-related function/responsibility, or is in a position to participate in a decision-making process or gain inside information, may obtain a financial interest or benefit from the federal or state grant activity.

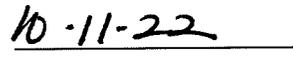
The conflict of interest restrictions and procurement requirements identified herein shall apply to a benefitting business, utility provider, or other third party entity that is receiving assistance, directly or indirectly, under TxCDBG contract or award, or that is required to complete some or all work under a TxCDBG contract in order to meet any National Program Objectives.

Any person or entity including any benefitting business, utility provider, or other third party entity that is receiving assistance, directly or indirectly, under a TxCDBG contract or award, or that is required to complete some or all work under the TxCDBG contract in order to meet a National Program Objective, that might potentially receive benefits from TxCDBG awards may not participate in the selection, award, or administration of a contract supported by CDBG funding.

Any alleged violations of these standards of conduct shall be referred to the City of Breckenridge's Attorney. Where violations appear to have occurred, the offending employee, officer or agent shall be subject to disciplinary action, including but not limited to dismissal or transfer; where violations or infractions appear to be substantial in nature, the matter may be referred to the appropriate officials for criminal investigation and possible prosecution.



Bob Sims, Mayor  
City of Breckenridge



Date

## PLAN DE PARTICIPACIÓN CIUDADANA

### PROGRAMA DE SUBVENCIONES EN BLOQUE PARA EL DESARROLLO COMUNITARIO DE TEXAS

#### PROCEDIMIENTOS DE RECLAMACIÓN

Estos procedimientos de queja cumplen con los requisitos del Programa de Subvención en Bloque de Desarrollo Comunitario de Texas (TxCDBG) del Departamento de Agricultura de Texas y los Requisitos del Gobierno Local que se encuentran en 24 CFR §570.486 (Código de Regulaciones Federales). Los ciudadanos pueden obtener una copia de estos procedimientos en la Ciudad de Breckenridge, 105 N. Rose Avenue, Breckenridge, Texas 76424, (254) 559-8287, durante el horario comercial regular.

A continuación se presentan los procedimientos formales de quejas y quejas con respecto a los servicios prestados en el marco del proyecto TxCDBG.

1. Una persona que tenga una queja o queja sobre cualquier servicio o actividad con respecto al proyecto TxCDBG, ya sea un TxCDBG propuesto, en curso o completado, debe comunicarse con la Ciudad de Breckenridge, en 105 N. Rose Avenue, Breckenridge, Texas 76424, o puede llamar, (254) 559-8287
2. Una copia de la queja o queja será transmitida por el Secretario de la Ciudad a la entidad que es objeto de la queja o queja y al Abogado de la Ciudad dentro de los cinco (5) días hábiles posteriores a la fecha de recepción de la queja o queja.
3. La Ciudad completará una investigación de la queja o queja, si es posible, y proporcionará una respuesta oportuna por escrito a la persona que hizo la queja o queja dentro de los diez (10) días.
4. Si la investigación no puede completarse dentro de los diez (10) días hábiles por 3 anteriores, la persona que hizo la queja o queja será notificada, por escrito, dentro de los quince (15) días cuando sea posible después de la recepción de la queja o queja original y detallará cuándo debe completarse la investigación.
5. Si es necesario, la queja y una copia escrita de la investigación posterior se enviarán al TxCDBG para su posterior revisión y comentarios.
6. Si es apropiado, proporcione copias de los procedimientos de quejas y las respuestas a las quejas en inglés y español, u otro idioma apropiado.

#### ASISTENCIA TÉCNICA

Cuando se solicite, la Ciudad proporcionará asistencia técnica a los grupos que sean representativos de personas de ingresos bajos y moderados en el desarrollo de propuestas para el uso de los fondos de TxCDBG. La Ciudad, con base en las necesidades específicas de los residentes de la comunidad en el momento de la solicitud, determinará el nivel y el tipo de asistencia.

#### DISPOSICIONES SOBRE AUDIENCIAS PÚBLICAS

Para cada audiencia pública programada y conducida por la Ciudad, se observarán las siguientes disposiciones de audiencia pública:

1. El aviso público de todas las audiencias debe publicarse al menos setenta y dos (72) horas antes de la audiencia programada. El aviso público debe publicarse en un periódico local. Cada aviso público debe incluir la fecha, hora, lugar y temas que se considerarán en la audiencia pública. Un artículo de periódico publicado también se puede utilizar para cumplir con este requisito, siempre y cuando cumpla con todos los requisitos de contenido y tiempo. Los avisos también deben publicarse de manera prominente en los edificios públicos y distribuirse a las autoridades locales de vivienda pública y otros grupos comunitarios interesados.

2. Cuando un número significativo de residentes que no hablan inglés forman parte del área de servicio potencial del proyecto TxCDBG, los documentos vitales, como los avisos, deben publicarse en el idioma predominante de estos ciudadanos que no hablan inglés.
3. Cada audiencia pública se llevará a cabo en un momento y lugar conveniente para los beneficiarios potenciales o reales e incluirá adaptaciones para personas con discapacidades. Las personas con discapacidades deben poder asistir a las audiencias y la Ciudad debe hacer arreglos para las personas que requieren ayudas o servicios auxiliares si se contacta al menos dos días antes de la audiencia.
4. Una audiencia pública celebrada antes de la presentación de una solicitud de TxCDBG debe llevarse a cabo después de las 5:00 PM en un día laborable o a una hora conveniente un sábado o domingo.
5. Cuando se puede esperar razonablemente que un número significativo de residentes que no hablan inglés participen en una audiencia pública, un intérprete debe estar presente para satisfacer las necesidades de los residentes que no hablan inglés.

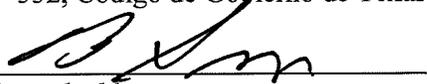
La Ciudad deberá cumplir con los siguientes requisitos de participación ciudadana para la preparación y presentación de una solicitud para un proyecto TxCDBG:

1. Como mínimo, la Ciudad deberá celebrar al menos una (1) audiencia pública antes de presentar la solicitud al Departamento de Agricultura de Texas.
2. La Ciudad conservará la documentación de los avisos de audiencia, una lista de las personas que asisten a la(s) audiencia(s), las actas de la(s) audiencia(s) y cualquier otro registro relacionado con el uso propuesto de los fondos durante tres (3) años a partir del cierre de la subvención al estado. Dichos registros se pondrán a disposición del público de acuerdo con el Capítulo 552, Código de Gobierno de Texas.
3. La audiencia pública incluirá una discusión con los ciudadanos como se describe en el manual de solicitud de TxCDBG aplicable para incluir, pero no se limita a, el desarrollo de las necesidades de vivienda y desarrollo comunitario, la cantidad de fondos disponibles, todas las actividades elegibles bajo el programa TxCDBG y el uso de fondos de contratos txCDBG anteriores, si corresponde. Se alentará a los ciudadanos, haciendo especial hincapié en las personas de ingresos bajos y moderados que residan en barrios marginales y zonas de tizón, a que presenten sus opiniones y propuestas sobre el desarrollo comunitario y las necesidades de vivienda. Se informará a los ciudadanos del lugar donde pueden presentar sus opiniones y propuestas en caso de que no puedan asistir a la audiencia pública.
4. Cuando se puede esperar razonablemente que un número significativo de residentes que no hablan inglés participen en una audiencia pública, un intérprete debe estar presente para satisfacer las necesidades de los residentes que no hablan inglés.

La Ciudad debe cumplir con los siguientes requisitos de participación ciudadana en caso de que la Ciudad reciba fondos del programa TxCDBG:

1. La Ciudad también celebrará una audiencia pública con respecto a cualquier cambio sustancial, según lo determinado por TxCDBG, propuesto para ser realizado en el uso de los fondos de TxCDBG de una actividad elegible a otra nuevamente utilizando los requisitos de notificación anteriores.
2. Una vez finalizado el proyecto TxCDBG, la Ciudad celebrará una audiencia pública y revisará el desempeño de su programa, incluido el uso real de los fondos de TxCDBG.
3. Cuando se pueda esperar razonablemente que un número significativo de residentes que no hablan inglés participen en una audiencia pública, ya sea para una audiencia pública sobre un cambio sustancial en el proyecto TxCDBG o para el cierre del proyecto TxCDBG, publique un aviso en inglés y español, u otro idioma apropiado y proporcione un intérprete en la audiencia para satisfacer las necesidades de los residentes que no hablan inglés.
4. La Ciudad conservará la documentación del proyecto TxCDBG, incluidos los avisos de audiencia, una lista de las personas que asisten a la audiencia, las actas de la audiencia y cualquier otro registro relacionado con el uso real de los fondos durante un período de tres (3) años a partir del cierre de la

subvención al estado. Dichos registros se pondrán a disposición del público de acuerdo con el Capítulo 552, Código de Gobierno de Texas.



Bob Sims, alcalde

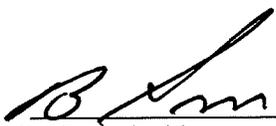
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**Política de Fuerza Excesiva**

De acuerdo con 24 CFR 91.325 (b) (6), la Ciudad de Breckenridge adopta y hará cumplir la siguiente política con respecto al uso excesivo de la fuerza:

1. Es política de la ciudad de Breckenridge prohibir el uso excesivo de la fuerza por parte de los organismos encargados de hacer cumplir la ley dentro de su jurisdicción contra cualquier persona que participe en manifestaciones no violentas de derechos civiles;
2. También es política de la Ciudad de Breckenridge hacer cumplir las leyes estatales y locales aplicables contra la prohibición física de la entrada o salida de una instalación o ubicación que sea objeto de tales manifestaciones de derechos civiles no violentas dentro de su jurisdicción.
3. La ciudad de Breckenridge presentará y aprobará una resolución que adopte esta política.

Como oficiales y representantes de la Ciudad de Breckenridge, nosotros, los abajo firmantes, hemos leído y estamos totalmente de acuerdo con este plan, y nos hemos convertido en parte de la plena implementación de este programa.

  
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Bob Sims, alcalde

10-11-22

**Política de Vivienda Justa**

De acuerdo con la Ley de Vivienda Justa, la Ciudad de Breckenridge adopta la siguiente política con respecto a la Promoción Afirmitiva de la Vivienda Justa:

1. La ciudad de Breckenridge acuerda afirmativamente promover una elección de vivienda justa para las siete clases protegidas (raza, color, religión, sexo, discapacidad, estado familiar y origen nacional).
2. La ciudad de Breckenridge acuerda planificar al menos una actividad durante el plazo del contrato para promover afirmativamente una vivienda justa.
3. La ciudad de Breckenridge presentará y aprobará una resolución que adopte esta política.

Como oficiales y representantes de la Ciudad de Breckenridge, nosotros, los abajo firmantes, hemos leído y estamos totalmente de acuerdo con este plan, y nos hemos convertido en parte de la plena implementación de este programa.



Bob Sims, alcalde

10-11-22

**Sección 504 Política contra la Discriminación  
basado en procedimientos de discapacidad y quejas**

De acuerdo con 24 CFR Sección 8, No discriminación basada en discapacidad en programas y actividades con asistencia federal del Departamento de Vivienda y Desarrollo Urbano, Sección 504 de la Ley de Rehabilitación de 1973, según enmendada (29 U.S.C. 794), y la Sección 109 de la Ley de Vivienda y Desarrollo Comunitario de 1974, según enmendada (42 U.S.C. 5309), la Ciudad de Breckenridge adopta por la presente los siguientes procedimientos de política y quejas:

1. Discriminación prohibida. Ninguna persona calificada con discapacidades en los Estados Unidos, únicamente por razón de su discapacidad, será excluida de la participación, se le negarán los beneficios o estará sujeta a discriminación bajo cualquier programa o actividad que reciba asistencia financiera federal del Departamento de Vivienda y Desarrollo Urbano (HUD).
2. La Ciudad de Breckenridge no discrimina sobre la base de la discapacidad en la admisión o el acceso a, o el tratamiento o el empleo en, sus programas y actividades asistidas por el gobierno federal.
3. Los materiales o publicaciones de reclutamiento de la Ciudad de Breckenridge incluirán una declaración de esta política en 1. encima.
4. La Ciudad de Breckenridge tomará medidas continuas para notificar a los participantes, beneficiarios, solicitantes y empleados, incluidos aquellos con problemas de visión o audición, y a los sindicatos u organizaciones profesionales que celebren negociaciones colectivas o acuerdos profesionales con los destinatarios que no discrimina sobre la base de la discapacidad en violación de 24 CFR Parte 8.
5. Para las personas con discapacidad auditiva y visual elegibles para ser atendidas o que puedan verse afectadas por el programa TxCDBG, la Ciudad de Breckenridge se asegurará de que se les proporcione la información necesaria para comprender y participar en el programa TxCDBG.
6. Quejas y quejas
  - R. Cualquier persona que crea que ha sido objeto de discriminación por motivos de discapacidad puede presentar una queja bajo este procedimiento. Es contra la ley que la Ciudad de Breckenridge tome represalias contra cualquier persona que presente una queja o coopere en la investigación de una queja.
  - B. Las quejas deben dirigirse a: Ciudad de Breckenridge, Secretario de la Ciudad, 105 N. Rose Avenue, Breckenridge, Texas 76424, (254) 559-8287, quien ha sido designado para coordinar los esfuerzos de cumplimiento de la Sección 504
  - C. Una queja debe presentarse por escrito o verbalmente, contener el nombre y la dirección de la persona que la presenta y describir brevemente la presunta violación de las regulaciones.
  - D. Una queja debe presentarse dentro de los treinta (30) días hábiles posteriores a que el reclamante tenga conocimiento de la presunta violación.
  - E. La investigación, según proceda, seguirá a la presentación de una denuncia. La investigación será llevada a cabo por la Ciudad. Las investigaciones oficiosas pero exhaustivas brindarán a todas las personas interesadas y a sus representantes, si los hubiere, la oportunidad de presentar pruebas pertinentes para una denuncia.
  - F. La Ciudad emitirá una determinación por escrito sobre la validez de la queja y la descripción de la resolución, si corresponde, y una copia enviada al reclamante con quince (15) días hábiles después de la presentación de la queja cuando sea posible.
  - G. El coordinador de la Sección 504 mantendrá los archivos y registros de la Ciudad de Breckenridge relacionados con los archivos de la queja.
  - H. El demandante puede solicitar una reconsideración del caso en los casos en que no esté satisfecho con la determinación/resolución descrita en f. supra. La solicitud de reconsideración debe hacerse

a la Ciudad de Breckenridge dentro de los diez días hábiles posteriores a la recepción de la determinación / resolución por escrito.

- I. El derecho de una persona a una resolución rápida y equitativa de la queja presentada en virtud del presente no se verá afectado por la búsqueda de otros recursos por parte de la persona, como la presentación de una queja de la Sección 504 ante el Departamento de Vivienda y Desarrollo Urbano de los Estados Unidos. La utilización de este procedimiento de quejas no es un requisito previo para la búsqueda de otros recursos.
- J. Estos procedimientos se interpretarán para proteger los derechos sustantivos de las personas interesadas, para cumplir con los estándares apropiados del debido proceso y garantizar que la Ciudad de Breckenridge cumpla con la Sección 504 y las regulaciones de HUD.

  
\_\_\_\_\_  
Bob Sims, Alcalde

10-11-22  
Date

**CÓDIGO DE CONDUCTA**  
**POLÍTICA DE CONFLICTO DE INTERESES RELATIVA A LOS PROCEDIMIENTOS DE**  
**CONTRATACIÓN**

Como Beneficiario de una Subvención de un contrato de TxCDBG, la Ciudad de Breckenridge evitará, neutralizará o mitigará los conflictos de intereses reales o potenciales para evitar una ventaja competitiva injusta o la existencia de roles conflictivos que puedan perjudicar el cumplimiento del contrato de TxCDBG o afectar la integridad del proceso de adquisición.

Para la adquisición de bienes y servicios, ningún empleado, funcionario o agente de la Ciudad de Breckenridge participará en la selección, adjudicación o administración de un contrato respaldado por fondos de TxCDBG si él o ella tiene un conflicto de intereses real o aparente. Tal conflicto podría surgir si el empleado, funcionario o agente; cualquier miembro de su familia inmediata; su pareja; o una organización que emplee o esté a punto de emplear a cualquiera de las partes indicadas en este documento, tenga un interés financiero o de otro tipo o un beneficio personal tangible de una empresa considerada para un contrato.

Ningún funcionario, empleado o agente de la Ciudad de Breckenridge solicitará o aceptará propinas, favores o cualquier cosa de valor monetario de contratistas o empresas, contratistas o empresas potenciales, o partes en subacuerdos, excepto cuando el interés financiero no sea sustancial o el regalo sea un artículo no solicitado de valor intrínseco nominal.

Los contratistas que elaboren o redacten especificaciones, requisitos, declaraciones de trabajo o invitaciones a licitar o solicitar propuestas deben quedar excluidos de competir por dichas adquisiciones.

Para todos los demás casos, ningún empleado, agente, consultor, funcionario o funcionario electo o designado del estado, o de una unidad del gobierno local general, o de cualquier agencia pública designada, o subbencipiantes que estén recibiendo fondos de TxCDBG, que tenga alguna función / responsabilidad relacionada con la subvención, o esté en condiciones de participar en un proceso de toma de decisiones u obtener información privilegiada, puede obtener un interés financiero o beneficiarse de la actividad de subvención federal o estatal.

Las restricciones de conflicto de intereses y los requisitos de adquisición identificados en este documento se aplicarán a una empresa beneficiaria, proveedor de servicios públicos u otra entidad de terceros que esté recibiendo asistencia, directa o indirectamente, bajo el contrato o adjudicación de TxCDBG, o que se requiera completar parte o todo el trabajo bajo un contrato de TxCDBG para cumplir con los Objetivos del Programa Nacional.

Cualquier persona o entidad, incluida cualquier empresa beneficiaria, proveedor de servicios públicos u otra entidad de terceros que esté recibiendo asistencia, directa o indirectamente, en virtud de un contrato o adjudicación de TxCDBG, o que deba completar parte o todo el trabajo bajo el contrato de TxCDBG para cumplir con un Objetivo del Programa Nacional, que potencialmente podría recibir beneficios de las adjudicaciones de TxCDBG no puede participar en la selección, adjudicación o administración de un contrato respaldado por fondos de CDBG.

Cualquier presunta violación de estas normas de conducta se remitirá al Abogado de la Ciudad de Breckenridge. Cuando parezca que se han producido violaciones, el empleado, funcionario o agente infractor estará sujeto a medidas disciplinarias, que incluyen, entre otras, el despido o la transferencia; cuando las violaciones o infracciones parezcan ser de naturaleza sustancial, el asunto podrá remitirse a los funcionarios competentes para su investigación penal y posible enjuiciamiento.

  
 Bob Sims, alcalde  
 Ciudad de Breckenridge

10-11-22

## PRESENTATION SUMMARY

The City of Breckenridge received Grant Contract CDV25-0207 the amount of \$750,000, funded through the Community Development Block Grant, via the U.S. Department of Housing and Urban Development and Texas Department of Agriculture, for the purpose of street improvements.

The overall purpose of Section 3 is to facilitate contract and employment opportunities for low and very low-income workers, specifically those that live close to the project location. To report on these efforts, the presentation details new reporting requirements and other efforts to increase Section 3 participation in the CDBG program.

HUD instituted new Section 3 policy requirements (24 CFR 75), effective November 30, 2020.

In July 1, 2021, TDA implemented the final rule for all existing and future construction CDBG grants. As part of these requirements, each grant recipient is required to review and discuss a Section 3 Presentation during a meeting of its governing body.

The additional pages dive deeper into Section 3 concepts, definitions for Section 3 businesses and workers, contractor outreach recommendations for new hires, and recordkeeping requirements pertaining to the grant.

Going forward, the grant administrator (Public Management, Inc) will coordinate with all parties to:

- Monitor public postings and contractor requirements pertaining to Section 3 provisions
- Track the number of hours of anyone who works on the grant project, including
  - Local government employees (i.e., City secretary, City Administrator, Public Works, WSC Operators, etc)
  - Construction contractor's laborers and staff
  - Grant administration employees.
  - \*Engineers, surveyors, and other professionals are exempt for hourly reporting requirements

There is no action required tonight. This presentation is simply required in order to meet the documentation required for the TDA grant. Please reach out to your grant administrator with any questions on these changes.

**Section 3 Policy Updates - Effective July 1, 2021  
Presentation**

The City of Breckenridge recently received Grant Contract CDV25-0207 for the amount of \$750,000, funded through the Community Development Block Grant, via the U.S. Department of Housing and Urban Development and Texas Department of Agriculture, for street improvements.

**SECTION 3 CONCEPTS**

As a condition of funding, the City must comply with Section 3 of the Housing and Urban Development Act of 1968. To the greatest extent feasible, Grant Recipients must direct economic opportunities generated by CDBG funds to low- and very low-income persons.

In part, this means ensuring that:

- Section 3 Businesses have the information to submit a bid or proposal for the project; and
- Section 3 Workers have information about any available job opportunities related to the project.

The purpose of this presentation is to discuss the Section 3 goals of the CDBG program and facilitate employment opportunities for Section 3 workers.

The awarded construction contractor may have job opportunities for local residents. If they do need to make new hires for this job, they will post job listings on WorkInTexas.com.

**SECTION 3 BUSINESSES**

A company may qualify as a Section 3 Business if:

- it is owned by low-income persons;
- it is owned by Section 8-Assisted housing residents; or
- 75% of all labor hours for the business in a 3-month period are performed by Section 3 Workers

Register at:

- Any Local/Regional registry for disadvantaged businesses [if applicable]

This project is expected to include the following contracting opportunities:

- Grant Administration services (previously selected)
- Engineering Services (previously selected)
- Prime Contractor for construction Improvements (previously selected)
- Subcontractors for construction Improvements (previously selected)

**SECTION 3 WORKERS**

You may qualify as a Section 3 Worker if:

- Annual income is below the LMI county threshold for a family size of 1
- Is currently or recent (within 5 years) Youthbuild participant

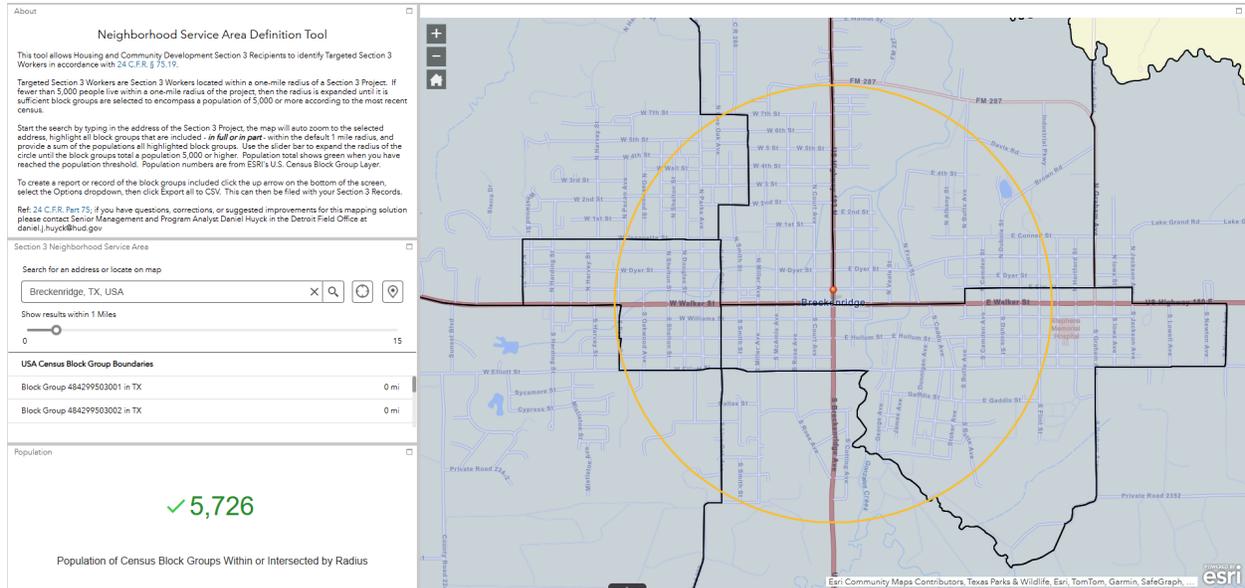
Register your information and search for opportunities at:

- WorkInTexas.gov
- [local/regional job board if applicable.

**TARGETED SECTION 3 WORKERS**

Section 3 Workers who reside near the project location may also qualify as Targeted Section 3 Workers.

For this project, that **service area** is defined by the circled area in the map below:



### RECORDKEEPING

The city is required to track ALL hours worked on the project based on the three categories of workers (All, Section, 3 and Targeted Section 3). This requirement applies to all city staff that works on this grant, including the contracted grant administrator, and all employees of the prime and subcontractors. This will require collection of certain income information.

*\*Engineers, surveyors, and similar professions are exempt from this time tracking requirement.*



For More Info...

TxCDBG Policy Issuance 20-01  
REVISED Policy Issuance 20-01

24 CFR Part 75

Electronic Code of Federal Regulations (eCFR)

TDA Representative: Suzanne Barnard, Director.(suzanne.barnard@texasagriculture.gov)

Grant Project Manager: Kristen Boswell (kboswell@publicmgt.com)

lture.gov)



## BRECKENRIDGE CITY COMMISSION AGENDA SUMMARY FORM

**Subject:** Discussion and any necessary action regarding approval of Ordinance 2026-02 ordering a Municipal General Election to be held on May 2, 2026, for the purpose of electing the offices of Mayor, and Commissioner Place 1 and Commissioner Place 2.

**Department:** Administration

**Staff Contact:** Jessica Sutter

**Title:** City Secretary

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**BACKGROUND INFORMATION:**

Article IV of the City of Breckenridge Code of Ordinances provides for the guidance of elections of the governing body election. Additionally, state statute sets the first Saturday in May as a uniform election date. This year's election day will be held on May 2, 2026.

This year, three citizens will be elected at-large each, to serve a two-year term as Mayor, and Commissioner Place 1, and Commissioner Place 2. The incumbents for these positions are Bob Sims, Blake Hamilton, and Greg Akers, respectively. Please note that these places are not geographically based. The term of these offices will be May of 2026 to May of 2028.

The first day for filing an application for a place on the ballot was January 14, 2026. The final day will be Friday, February 13, 2026, at 5:00 p.m.

If the city does not have a contested race, the commission will have the ability to cancel the general election.

The polling location for early voting will be at the city offices, 105 North Rose Ave as follows:

April 20: 8:00 a.m. - 5:00 p.m.

April 22-24: 8:00 a.m. - 5:00 p.m.

April 27-28: 8:00 a.m. - 5:00 p.m.

(There will be no voting on April 21, 2026 due to San Jacinto Day)

The polling place for Election Day will be held at the Breckenridge ISD Athletics and Fine Arts Facility located at 607 W. Second Street on May 2, 2026, from 7:00 a.m. - 7:00 p.m. If The

School District does not hold an election the polling place for Election Day will be at City Hall located at 105 N. Rose on May 2, 2026, from 7:00 a.m. – 7:00 p.m.

**FINANCIAL IMPACT:**

Estimated expenses for the election are approximately \$2,000.00. This is a budgeted expense.

**STAFF RECOMMENDATION:**

Consider approval of Ordinance 2026-02 ordering a Municipal General Election to be held on May 2, 2026, for the purpose of electing the offices of Mayor, Commissioner Place 1 and Commissioner Place 2.

**ORDINANCE NO. 2026-02**

**AN ORDINANCE PROVIDING FOR A GENERAL ELECTION TO BE HELD ON MAY 2, 2026 FOR THE PURPOSE OF ELECTING THE FOLLOWING OFFICERS: MAYOR AND CITY COMMISSIONERS, PLACE NOS. 1 AND 2, IN THE CITY OF BRECKENRIDGE, TEXAS.**

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS:**

**Section 1.** An election is hereby called to be held in the City of Breckenridge, Texas, on May 2, 2026, (being the first Saturday in May), for the purpose of electing City Mayor and Commissioners, Place Nos. 1 and 2.

**Section 2.** Said election shall be called and held as provided by the Charter of the City of Breckenridge and applicable laws pertaining thereto.

**Section 3.** Candidates for Commissioner, in order to get their names on the official ballot, must proceed as follows: File a sworn application between the following dates: January 14 through February 13, 2026, with the City Secretary (as prescribed by Section 141.031 of the Texas Election Laws).

**Section 4.** Said election shall be conducted and results canvassed and announced by the election authorities as prescribed by the general election laws of the State of Texas.

**Section 5.** The City Commission of the City of Breckenridge hereby adopts the use of the ES&S Express Vote Voter Assist Terminal V1.0.121 (to comply with the requirements of Section 301 (a)(3)(B) (of the Help America Vote Act) for regular election day and early voting by personal appearance. The Express Vote is an optical scan ballot marking system. The City Commission of the City of Breckenridge also adopts the use of optical scan ballots for regular and early voting by personal appearance and by mail.

**Section 6.** The City Commission of the City of Breckenridge, Texas, is hereby authorized and directed to issue the formal order for said election providing for the polling place, the judges and clerks of the election, Early Voting Ballot Board and Notice of Election and returns of the election.

**PASSED AND APPROVED** this 10th day of February 2026.

\_\_\_\_\_  
BOB SIMS, MAYOR

ATTEST:

\_\_\_\_\_  
JESSICA SUTTER, CITY SECRETARY

S E A L

**ORDER AND NOTICE OF CITY ELECTION**

**THE STATE OF TEXAS            }**  
**COUNTY OF STEPHENS         }**  
**CITY OF BRECKENRIDGE       }**

**ORDER AND NOTICE**

The City Commission of the City of Breckenridge, Texas, by virtue of the power vested in it by law, does hereby order that an election be held in the City of Breckenridge on May 2, 2026, being the first Saturday thereof, for the purpose of electing the following offices of said City:

Mayor

City Commissioner Place No. 1

City Commissioner Place No. 2

The City has entered into a Joint Election Agreement with Breckenridge Independent School District (School District) and Stephens Memorial Hospital District dba Stephens Memorial Hospital (Hospital District) to hold their May elections at the same polling place as the City – Breckenridge ISD Athletics and Fine Arts Facility, 607 West Second Street, Breckenridge, Texas 76424. If the City cancels its election, the School District will use its Administrative Offices located at 208 North Miller Street, Breckenridge, Texas 76424 and the Hospital District will use Stephens Memorial Hospital located at 200 South Geneva, Breckenridge, Texas 76424 as their election polling places. If the School District cancels its election, the City will use City Office located at 105 N. Rose Ave, Breckenridge, Texas 76424 and the Hospital District will use Stephens Memorial Hospital located at 200 South Geneva, Breckenridge, Texas 76424 as their election day polling place. If the Hospital District cancels its election, The Poll at the above-designated polling place shall on said Election Day be open from 7:00 A.M. to 7:00 P.M. The following named persons are hereby appointed Managers thereof, to-wit:

- (To Be Named)            JUDGE
- (To Be Named)            ALTERNATE JUDGE
- (To Be Named)            CLERK
- (To Be Named)            CLERK
- (To Be Named)            CLERK
- (To Be Named)            BILINGUAL CLERK

The City Secretary is hereby given the authority to change or replace the Election Judge or Alternate Judge as needed or if required prior to Election Day. The hourly rate of pay for the election Judge shall be \$12.00 per hour and each Election Clerk shall be \$10.00 per hour. The amount to be paid to the presiding Judge for delivering the election returns shall be \$25.00. The above shall also serve as the Early Voting Ballot Board, and the presiding judge shall serve as the Boards presiding officer. The Early Voting Ballot Board is hereby designated to canvass the early votes cast by mail and by personal appearance.

**ORDER AND NOTICE (Cont.)**

The City Secretary is hereby appointed Clerk for early voting, and Ms. Diane Latham, Ms. Lacy Botts, Ms. Angela Crowder, Ms. Sherry Morgan, Ms. Mercedes Luna and Ms. Christi Tidrow are hereby appointed Deputy Clerks for early voting. The early voting for the above-designated election shall be held at the City Offices, 105 North Rose Avenue, as follows:

April 20, 2026	8:00 A.M. to 5:00 P.M.
April 22-24, 2026	8:00 A.M. to 5:00 P.M.
April 27-28, 2026	8:00 A.M. to 5:00 P.M.

Applications for ballot by mail shall be mailed to: City of Breckenridge, Early Voting Clerk, 105 North Rose Avenue, Breckenridge, Texas 76424, (254)559-8287. Applications for ballot by mail must be received no later than the close of business on April 20, 2026.

The City Commission will meet in special session on May 12, 2026, to canvass the returns of said Election to be held on May 2, 2026, and to declare the results of said election.

The City Secretary is hereby directed and instructed to post a properly executed copy of this order and notice of election at the City Offices. Said notice shall be posted no later than twenty-one (21) days before the date of said election. Notice of the time and place of holding said election shall be given by publication of such notice in a newspaper of general circulation published in the City of Breckenridge at least ten (10) days and not more than thirty (30) days prior to the date of said election.

**PASSED AND APPROVED** this the 10th day of February 2026.

\_\_\_\_\_  
BOB SIMS, MAYOR

ATTEST:

\_\_\_\_\_  
JESSICA SUTTER, CITY SECRETARY

S E A L

**ORDENANZA NO. 2026-02**

**UNA ORDENANZA QUE ESTABLECE QUE SE CELEBRARÁN ELECCIONES GENERALES EL 2 DE MAYO DE 2026 CON EL PROPÓSITO DE ELEGIR A LOS SIGUIENTES FUNCIONARIOS: ALCALDE Y COMISIONADOS DE LA CIUDAD, LUGAR NO. 1 Y 2, EN LA CIUDAD DE BRECKENRIDGE, TEXAS.**

**LO ESTÁ ORDENADO POR LA COMISIÓN DE CIUDAD DE CIUDAD DE BRECKENRIDGE, TEXAS.**

**Sección 1.** Por la presente se convoca a una elección que se llevará a cabo en la ciudad de Breckenridge, Texas, el 2 de mayo de 2026 (siendo el primer sábado de mayo), con el propósito de elegir al alcalde y a los comisionados de la ciudad, lugares 1 y 2.

**Sección 2.** Dicha elección se convocará y llevará a cabo según lo dispuesto por la Carta Constitutiva de la Ciudad de Breckenridge y las leyes aplicables correspondientes.

**Sección 3.** Los candidatos a Comisionado, para que sus nombres aparezcan en la boleta oficial, deben proceder de la siguiente manera: Presentar una solicitud jurada entre las siguientes fechas: del 14 de enero al 13 de febrero de 2026, ante el Secretario de la Ciudad (según lo prescrito por la Sección 141.031 de las Leyes Electorales de Texas).

**Sección 4.** Dicha elección se llevará a cabo y los resultados serán escrutados y anunciados por las autoridades electorales según lo prescrito por las leyes electorales generales del Estado de Texas.

**Sección 5.** La Comisión de la Ciudad de Breckenridge adopta por la presente el uso de la Terminal de Asistencia al Votante de Voto Exprés de ES&S V1.0.121 (para cumplir con los requisitos de la Sección 301 (a)(3)(B) (de la Ley de Ayuda a América a Votar) para el día regular de las elecciones y la votación anticipada por comparecencia personal. El Voto Exprés es un sistema de marcado de boletas de escaneo óptico. La Comisión Municipal de la Ciudad de Breckenridge también adopta el uso de boletas de escaneo óptico para la votación regular y anticipada por comparecencia personal y por correo.

**Sección 6.** La comisión de ciudad de la ciudad de Breckenridge, Tejas por esto está autorizada y dirigida proceder el orden formal para dicho elección proveciendo para el lugar de votación, los jueces y los secretarios de tribunales de la elección, Tribunal de Balota Votando Temprano y Noticia de Elección, y regresos de la elección.

**PASADO Y APROBADO** este 10th dia de Febrero de 2026

\_\_\_\_\_  
BOB SIMS, ALCALDE

FE:

\_\_\_\_\_  
JESSICA SUTTER, SECRETARIA DE CIUDAD

S E A L

**ORDEN Y AVISO DE LA ELECCIÓN DE LA CIUDAD**

**EL ESTADO DE TEXAS            }**  
**CONDADO DE STEPHENS        }**  
**CIUDAD DE BRECKENRIDGE    }**

**ORDEN DE ELECCIÓN**

La Comisión Municipal de la Ciudad de Breckenridge, Texas, en virtud del poder que le confiere la ley, por la presente ordena que se celebre una elección en la Ciudad de Breckenridge el 2 de mayo de 2026, siendo el primer sábado de la misma, con el propósito de elegir los siguientes cargos de dicha Ciudad:

- Alcalde
- Comisionado de ciudad, Lugar No. 1
- Comisionado de ciudad, Lugar No. 2

La Ciudad ha celebrado un Acuerdo de Elección Conjunta con el Distrito Escolar Independiente de Breckenridge (Distrito Escolar) y el Distrito Hospitalario Stephens Memorial dba Stephens Memorial Hospital (Distrito Hospitalario) para celebrar sus elecciones de mayo en el mismo lugar de votación que la Ciudad: el Centro de Atletismo y Bellas Artes de Breckenridge ISD, 607 West Second Street, Breckenridge, Texas 76424. Si la Ciudad cancela su elección, el Distrito Escolar usará sus Oficinas Administrativas ubicadas en 208 North Miller Street, Breckenridge, Texas 76424 y el Distrito Hospitalario usará el Hospital Stephens Memorial ubicado en 200 South Geneva, Breckenridge, Texas 76424 como sus lugares de votación electoral. Si el Distrito Escolar cancela su elección, la Ciudad usará la Oficina de la Ciudad ubicada en 105 N. Rose Ave, Breckenridge, Texas 76424 y el Distrito Hospitalario usará el Hospital Stephens Memorial ubicado en 200 South Geneva, Breckenridge, Texas 76424 como su lugar de votación el día de las elecciones. Si el Distrito Hospitalario cancela su elección, la casilla en el lugar de votación designado anteriormente estará abierta el día de la elección de 7:00 a.m. a 7:00 p.m. Se nombran Administradores de los mismos a las siguientes personas, a saber:

- (a ser nombrado)        Juez
- (a ser nombrado)        Juez Alterno
- (a ser nombrado)        Secretario
- (a ser nombrado)        Secretario
- (a ser nombrado)        Secretario
- (a ser nombrado)        Empleado bilingüe

Por la presente, se le otorga al Secretario de la Ciudad la autoridad para cambiar o reemplazar al Juez Electoral o al Juez Suplente según sea necesario o si se requiere antes del Día de las Elecciones. La tarifa de pago por hora para el Juez Electoral será de \$12.00 por hora y cada Secretario Electoral será de \$10.00 por hora. La cantidad que se pagará al juez presidente por la entrega de los resultados de las elecciones será de \$25.00. Lo anterior también servirá como la Junta de Boleta de Votación Anticipada, y el juez presidente servirá como el oficial que preside la Junta. Por la presente se designa a la Junta de Boleta de Votación Anticipada para que escrutara los votos anticipados emitidos por correo y por comparecencia personal.

**ORDEN Y AVISO (Cont)**

Por la presente se nombra a la Secretaria de la Ciudad para la votación anticipada, y la Sra. Diane Latham, la Sra. Lacy Botts, la Sra. Angela Crowder, la Sra. Sherry Morgan, la Sra. Mercedes Luna y la Sra. Christi Tidrow son nombradas Secretarias Adjuntas para la votación anticipada. La votación anticipada para la elección designada anteriormente se llevará a cabo en las Oficinas de la Ciudad, 105 North Rose Avenue, de la siguiente manera:

Abril 20, el 2026	8:00 A.M. a 5:00 P.M.
Abril 22-24, el 2026	8:00 A.M. a 5:00 P.M.
Abril 27-28, el 2026	8:00 A.M. a 5:00 P.M.

Las solicitudes de boleta por correo se enviarán por correo a: City of Breckenridge, Early Voting Clerk, 105 North Rose Avenue, Breckenridge, Texas 76424, (254)559-8287. Las solicitudes de boleta por correo deben recibirse a más tardar al cierre de operaciones el 20 de abril de 2026.

La Comisión de la Ciudad se reunirá en sesión especial el 12 de mayo de 2026 para realizar el escrutinio de los resultados de dicha elección que se llevará a cabo el 2 de mayo de 2026 y para declarar los resultados de dicha elección.

Por la presente se ordena e instruye al Secretario de la Ciudad que publique una copia debidamente ejecutada de esta orden y aviso de elección en las Oficinas de la Ciudad. Dicho aviso se publicará a más tardar veintiún (21) días antes de la fecha de dicha elección. La notificación de la hora y el lugar de celebración de dicha elección se dará mediante la publicación de dicha notificación en un periódico de circulación general publicado en la Ciudad de Breckenridge por lo menos diez (10) días y no más de treinta (30) días antes de la fecha de dicha elección.

**PASADO Y APROBADO** esta la 10th día de Febrero 2026.

\_\_\_\_\_  
BOB SIMS, ALCALDE

FE:

\_\_\_\_\_  
JESSICA SUTTER, SECRETARIA DE LA CIUDAD

S E A L