



## CITY COUNCIL MEETING SPECIAL SESSION

Tuesday, March 25, 2025 at 6:00 PM

City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas

### AGENDA

BE IT KNOWN that the City Council of the City of Sweeny will meet in **Special Session** on **Tuesday, March 25, 2025 at 6:00 PM.** at City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas with the following agenda. Council is conducted under modified Roberts Rules of Order as approved by Resolution 102-16; July 19, 2016. In accordance with Chapter §551 of the Texas Government Code, if required, the Council may conduct an executive session on any of the agenda items provided the City Attorney is present.

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#### CALL TO ORDER/ROLL CALL

#### PLEDGES & INVOCATION

#### CEREMONIAL PRESENTATIONS

1. Sweeny Beautification Committee's Yard of the Month- Mr. & Ms. Weems at 504 E 4th Street
2. Proclamation: Child Abuse Prevention Month; April 2025

#### CITIZENS WISHING TO ADDRESS CITY COUNCIL

*This item is available for those citizens wishing to address City Council on an issue not on the agenda. Any item discussed cannot be voted on but could be considered for placement on the agenda of the next regularly scheduled meeting. Limited to three (3) minutes.*

#### CONSENT AGENDA

*All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless requested by the Mayor or a Council Member; in which event, the items will be removed from the consent agenda and considered separately.*

3. Minutes: Regular Session, February 18, 2025 and Special Session Capital Improvement Projects & Strategic Planning Workshop, March 08, 2025
4. Financial Statements
5. Personnel Status
6. Project Status Report
7. Critical Equipment Report; Generator Hourly Activated Self Test Report

8. Gas Compliance Update

9. CCPD Update

## **REGULAR AGENDA**

10. Discussion and possible action on Sweeny High School debrief; Mayor Hopkins & Devin Lemon

11. Discussion and possible action on establishing a City Emergency Operations Center (EOC) Workshop with Sweeny Fire Department and Sweeny Community Hospital.

12. Discussion and possible action on a request from Sweeny Beautification Committee to close a portion of Ashley Wilson Road, from the west side of the intersection of Main Street to the second entrance of the Sweeny Community Center during Pride Day festivities.

13. Discussion and possible action on restricting public vehicle access within the 2025 Pride Day festivities; Sweeny Beautification Committee

14. Discussion and possible action to variance requests for 301 Pecan Street; Property owner Bill Worrell.

15. Discussion and possible action to review the annexation service plan and agreement for received request of annexation and utilities for proposed subdivision of 62.296 acres to be completed by C & D Development LLC.

16. Discussion and possible action to moving the Executive Director position of the Sweeny Economic Development Corporation to a position within the City that is under the management of the City Manager.

17. Discussion and possible action to Knox Box requirements, policies, and procedures of control.

18. Discussion and possible action to proposed agreement with Benji's Animal Adoption Barn for animal shelter services.

19. Discussion and possible action to appoint a member to the Crime Control and Prevention District (CCPD).

20. Discussion and possible action on Resolution 25-101, allowing the City to enter into a membership with Texas SmartBuy for purchasing cooperatives.

21. Discussion and possible action to approve the procurement policies and procedures for actions to be funded with Federal funds, pursuant to the Resilient Communities Program (RCP) grant application.

22. Discussion and possible action to repeal Chapter 114 of the City's Code of Ordinances; Municipal Registration of Construction Contractors

23. Discussion and possible action to amend the R2 and R2B zones of Exhibit A of the Zoning Ordinance, Chapter 155.

24. Discussion and possible action to an update on Sidewalk repairs.

25. Discussion and possible action on notifications sent out on the city wide call out system.

**ITEMS OF COMMUNITY INTEREST**

**ADJOURN REGULAR SESSION**

I certify that the notice and agenda of items to be considered by the Sweeny City Council on March 25, 2025 was posted on the City Hall bulletin board on the 21st day of March, 2025, at approximately \_\_\_\_\_AM / PM.

\_\_\_\_\_  
Kaydi Smith, City Secretary

I hereby certify that this Public Notice was removed from the City Hall bulletin board on the \_\_\_\_\_day of \_\_\_\_\_, 202\_\_ at approximately \_\_\_\_\_AM / PM.

\_\_\_\_\_  
Kaydi Smith, City Secretary



**CITY OF SWEENY  
OFFICE OF THE MAYOR**

Children are our nation's, state's and city's next generation of leaders and the brightest rays of hope for the future. Every responsible person will agree that children deserve to grow up in a nurturing environment free from harm and fear. Sadly, child abuse – physical, sexual or emotional – is far too common in our society. In 2018 alone, the Texas Department of Family and Protective Services confirmed more than 66,000 of the 281,000 reported cases where children were victims of abuse or neglect.

Across our city, county, state and nation, children's advocacy groups, nonprofit organizations, social workers and government agencies work daily to stop this crime through education and awareness. Through their compassion and dedication, they create safe, happy and healthy environments for children to grow and thrive.

Every year since 1983, the month of April is dedicated to raising awareness of the pervasiveness of child abuse and promoting the safety and well-being of all children.

At this time, I encourage our great city to renew our commitment to preventing child abuse, to learn the signs and to honor our duty as stewards of our youth to report any suspicions of abuse. We can all work toward a brighter future and help our children grow up and flourish in "A City With Pride."

Therefore, I, Dusty Hopkins, Mayor of Sweeny Texas, do hereby proclaim April 2025, to be

## **Child Abuse Prevention Month**

in Sweeny, and urge the appropriate recognition whereof.

In official recognition whereof, I hereby affix my signature this the 25<sup>th</sup> day of March 2025.

Mayor Dusty Hopkins

**CITY COUNCIL MEETING REGULAR SESSION**

**Tuesday, February 18, 2025 at 6:00 PM**

**City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas**

**MINUTES**

BE IT KNOWN that the City Council of the City of Sweeny met in **Regular Session** on **Tuesday, February 18, 2025 at 6:00 PM.** at City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas with the following agenda.

**CALL TO ORDER/ROLL CALL**

Mayor called the meeting to order at 6 PM.

Neal Bess Jr., Reese Cook, Brian Brooks, and Caniel “Shaun” Massey were present. John Rambo was absent.

**PLEDGES & INVOCATION**

Pledges were led by Councilman Bess.

Invocation was given by Attorney Stevenson.

**CEREMONIAL PRESENTATIONS**

1. Sweeny Beautification Committee's Yard of the Month

Mayor Hopkins stated the Yard of the Month was Patricia Hanks at 315 Harlem.

2. Proclamation(s): Women's History Month  
National Vietnam War Veterans Day

Mayor stated the proclamations will be signed and hung in the foyer of City Hall, proclaiming March 2025 as Women’s History Month and March 29<sup>th</sup> to be National Vietnam War Veteran’s Day.

**CITIZENS WISHING TO ADDRESS CITY COUNCIL**

Ms. Leigh Ann Thornton, 702 Avenue B, gave an update of progress since the last meeting. She expressed her appreciation to Councilmen Bess, Brooks, and Massey, and Mr. Jordan for reaching out personally. The BAAB board met and voted in favor of running the shelter once built. She has reached out to a 501C3 attorney and they have submitted applications with the State, IRS, and Department of Justice. Official filing, EIN number, and their bi-laws have been established. They are in the final stages and expect completion of the 501C3 status within the next few weeks. They have secured a website domain, BAAB.org. They will be eligible for opportunities such as grants, rescue organizations, and private donors, once 501C3 status is verified. They have partnered with Marsh Vet clinic for all animals to be spayed, vaccinated, and microchipped before being placed for adoption. They are requesting the \$50,000.00 donation be used on the new facility.

**CONSENT AGENDA**

3. Minutes: Special Session, January 23, 2025

Mayor asked for a motion to approve the Special Session minutes of the January 23, 2025 meeting. Neal Bess Jr. stated so moved. Second by Brian Brooks. All in favor. Motion carried.

4. Financial Statements
5. Personnel Status – Information Only
6. Project Status Report
7. Critical Equipment Report; Generator Hourly Activated Self Test Report
8. FY 2024/2025 Investment Report; 1st Quarter (October-December 2024)

Mayor Hopkins asked for a motion to approve of the FY 2024/2025 Investment Report; 1<sup>st</sup> Quarter spanning October thru December 2024. Shuan Massey moved to approve. Seconded by Reese Cook. Reese Cook, Shaun Massey, and Brian Brooks approved. Neal Bess Jr. abstained. Motion carried.

## REGULAR AGENDA

9. Discussion and possible action on a request from Sweeny Beautification Committee to close a portion of Ashley Wilson Road during the Pride Day festivities.

Shaun Massey motioned to table this agenda item until after Beautification meets with the Fire Department and Police Chief. Reese Cook seconded. All in favor. Motion carried.

10. Discussion and possible action to variance request for the 2025 Pride Day festivities, Ord. §113.04, Possession or consumption of alcoholic beverages in public places; Sweeny Beautification Committee

Council discussed. Mayor asked if Council wanted to table or move forward with the recommended action to approve a variance to ordinance §113.04, allowing alcohol at the Sweeny Pride Day festivities on May 2<sup>nd</sup> & 3<sup>rd</sup>, 2025 within the areas depicted on map submitted by Sweeny Beautification Committee, and in the interest of safety, restricting public vehicle access within the boundaries.

Neal Bess Jr. moved to allow it. Shaun Massey seconded.

Discussion: Councilman Massey does not agree with the restriction of the golf carts. Mayor stated they need to present options and have someone here from their group.

Council discussed amending the previous motion.

Shaun Massey motioned to amend the motion to allow alcohol for Sweeny Pride Day festivities on May 2<sup>nd</sup> & May 3<sup>rd</sup>, but remove the restriction of public vehicles access within the boundaries. Brian Brooks seconded. Brian Brooks, Shaun Massey, and Neal Bess Jr. were in favor. Reese Cook opposed. Motion carried.

Council voted on the original motion as amended by the second (Massey's), on the variance to allow alcohol at the 2025 Pride Day festivities.

Neal Bess Jr. and Shuan Massey voted in favor. Reese Cook and Brian Brooks opposed. Mayor voted in favor to allow, breaking the tie.

Amended motion passes to allow alcohol only.

11. Discussion and possible action to animal shelter proposed plan.

City Manager has developed a proposal to build a new shelter at the current location and complete an agreement with BAAB. City would upgrade the original City shelter. The upgraded original shelter would keep the animals the required amount of time then transfer to BAAB. BAAB would rent the land and facility for \$1.00 per year. They would be responsible for maintenance on their facility.

Shaun Massey motioned to approve the proposed animal shelter allowing the City Manager to proceed in moving forward with the renovation and construction process and establish a rental agreement with BAAB. Seconded by Neal Bess Jr.

Discussion: Attorney Stevenson stated he will need the 501C3 documents to review. He will complete the agreement and submit to Council for review prior to presenting to BAAB.

Neal Bess Jr., Reese Cook, Brian Brooks, and Shaun Massey were in favor. Motion carried.

12. Discussion and possible action to approve Ordinance 25-102, establishing the fee schedule for the City of Sweeny.

Mayor Hopkins asked for a motion to approve Ordinance 25-102, establishing the fee schedule for the City of Sweeny. Brian Brooks stated so moved. Neal Bess Jr. seconded.

Neal Bess Jr., Reese Cook, and Brian Brooks were in favor. Shaun Massey opposed. Motion carried.

13. Discussion and possible action on review of the City Charter by City Council.

Councilman Cook presented Council with items for concern within the Charter. Council discussed and will review the presented. Attorney Stevenson was requested to give his opinion on the presented. Discussion only; no action.

**ITEMS OF COMMUNITY INTEREST**

Neal Bess Jr. stated he has received several complaints about cats from store owners. Chief Caudle stated that we do not have the facilities to keep cats, but some have gone to the SPCA. Leigh Ann Thornton stated they will be able to help with cats (BAAB) in the near future. Brian Brooks stated he has received concerns on the Better Buddy gas station. City Manager reminded Council of the Special Workshop on 03/08/2025.

**ADJOURN REGULAR SESSION**

Mayor Hopkins adjourned the meeting at 7:12 PM.

Exhibit A Attached; Agenda Item No. 13; Presented by Councilman Cook

Financial Statements are on file with the City Secretary's Office.

*Staff and Boards Present*  
City Manager, David Jordan  
Chief of Police, Brad Caudle  
Director of Public Works, Terrence Bell  
City Secretary, Kaydi Smith

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Kaydi Smith -- City Secretary

## CITY CHARTER

- 2.02 "No member of the City Council shall hold any other office or employment under the City government while serving on said City Council, or hold any paid employment under the City government within two years thereafter"
  - I think we need to look at this, and other provisions in the Charter like this. I understand the intent, I just think its pretty restrictive. Who knows, that CM position may call my name again in a few years.
  
- 2.10 "special meetings upon request of three council members".
  - I feel like this pushes up against the line of a quorum and the Open Meetings Act. I assume Charlie would want to weigh in on this, but just at face value, I would think having this verbiage should be removed.
  
- 5.01 "during the tenure of said City Manager's office, he or she shall reside within the City".
  - I'm a little torn over this as I think we've see both sides of this token with our previous and current City Manager.
  - General Law cities can't require this per LGC 25.027, so I do think we should look at our verbiage and what the intent of this section is going forward.
  
- 6.02 "The office of Judge of the Municipal Court shall be an elective office, for a term of two years, such term to run concurrently with that of the Mayor"
  - Charlie may be able to speak to this, but the Judges term is currently not aligned with the Mayor. Not sure when/how this changed.
    - The City completed a Charter amendment in 2015. That amendment passed, but was never updated within our code of ordinances nor reflected online. I found this last year and pulled the elections records from the County. It has since been updated with American Legal and shows updated within the online portal for the terms to be alternating.
  
- 6.03 "The City Secretary shall be the Clerk of the Municipal Court."
  - I'm not sure is this a requirement by law or just our Charter, but I think we should have provisions and language that allows for a different Clerk to be appointed by the City Manager and/or Council. And maybe in the vacancy of the position, it reverts to the City Secretary.



- 6.04 "The City Council shall determine what costs, if any, shall be charged for proceedings in and for processes issued by the Court."
  - Probably something we should look into as a Council from a revenue perspective.
  
- 7.01 "The fiscal year of the City shall be as established by ordinance of the City Council. In the event the City Council does not thus establish the fiscal year, the fiscal year of the City shall begin on the first day of each October and end on the last day of September of the following year."
  - Are we bound by law to a fiscal year of October to September?
  - From a cash flow standpoint, I'd be curious if calendar year fiscal year, January to December, would be better suited for funding of projects and costs?
  
- 7.02 "At least sixty (60) days prior to the end of each fiscal year, the City Manager shall submit to the City Council a proposed budget"
  - I think new dates and laws have gone into effect that changes this 60 day requirement. I may be off, but if current law requires something different I would assume we need our Charter to reflect that or be open ended to reference the appropriate requirements.
  
- 7.03 "Appropriation"
  - I think as we go into Budget season, we need to take a hard look at this and where cuts/savings can be made to keep this from happening.
  - I think having the monthly budget numbers has helped us keep an eye on this, but I also know that there is a lot of "freedom" in those funds for spending that may not necessarily need to be there.
  - Personally, I'd rather be called into a Special Meeting for approve necessary funds for something that weren't appropriated versus allowing them to be spent unnecessarily.

- 7.10 "All purchases made and contracts executed by the City shall be pursuant to a requisition"
  - We 100% have to get back to this. I know it went away under the previous administration and may be on its way back with the current, but I truly feel this is the only way to keep the budget in line.
  - It is a checks and balances between the departments, management, and Council.
  
- 10.11 "if such person is related within the second degree by affinity or within the third degree by consanguinity to the person making such appointment or to any member of the City Council or the City Manager"
  - This basically discounts anyone in the city that has generational ties!
  - I think we really need to look into this and see what other like-type cities do.

**CITY COUNCIL MEETING SPECIAL SESSION CAPITAL IMPROVEMENT PROJECTS & STRATEGIC PLANNING WORKSHOP**

Item 3.

**Saturday, March 08, 2025 at 9:00 AM**

**City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas**

**MINUTES**

BE IT KNOWN that the City Council of the City of Sweeny met in **Special Session** on **Saturday, March 08, 2025 at 9:00 AM.** at City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas with the following agenda.

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**CALL TO ORDER/ROLL CALL**

Neal Bess Jr., Reese Cook, Brian Brooks, John Rambo, and Caniel “Shuan” Massey.

**PLEDGES & INVOCATION**

Pledges were led by Neal Bess Jr.  
Invocation was led by Reese Cook.

**CITIZENS WISHING TO ADDRESS CITY COUNCIL**

N/A

**CAPITAL IMPROVEMENT PROJECTS & STATEGIC PLANNING SESSION WORKSHOP**

1. Waste Water Plant
2. Waste Water Lift Stations
3. Water Plant Issues
4. Gas System
5. Drainage
6. Streets
7. Building Maintenance
8. Parks
9. Sidewalks and offsite lighting
10. Building Codes
11. Zoning
12. Charter Review

**ITEMS OF COMMUNITY INTEREST**

N/A

**ADJOURN SESSION**

Mayor adjourned the special session at 12:36 PM.

Staff Present:  
David Jordan, City Manager  
Brad Caudle, Police Chief  
Terrence Bell, Director of Public Works  
Karla Wilson, Finance Director  
Kaydi Smith, City Secretary

Passed and approved this \_\_\_\_\_ day or \_\_\_\_\_,

Kaydi Smith  
City Secretary



# AGENDA MEMO

## Business of the City Council City of Sweeny, Texas

Item 5.

<b>Meeting Date</b>	03/25/2025	<b>Agenda Items</b>	
<b>Approved by City Manager</b>		<b>Presenter(s)</b>	Karla Wilson
<b>Reviewed by City Attorney</b>		<b>Department</b>	Personnel
<b>Subject</b>	Personnel Status – Information Only		
<b>Council Strategic Goals</b>			
<b>Attachments / Supporting documents</b>			
<b>Financial Information</b>	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

### Executive Summary

City Manager	J. David Jordan
City Secretary	Kaydi Smith
Director of Finance and Personnel	Karla Wilson
Utility Billing Manager	Kyli Jones
Administrative Clerk	Jennifer Miller
Municipal Court Clerk	Brandi Anderson
Public Works Director	Tex Bell
Public Works Office Manager	<b>VACANT</b>
Public Works Foreman	<b>VACANT-Posted</b> Daniel Wright
Water Plant Operator	Craig Carpenter-starting 3/21/25
WWTP Operator	<b>DeLane Brown-starting</b> <b>3/24/2025</b>
City Hall Liaison / Gas Ops in Training	Courtlyn Davidson
General Laborer - Parks	<b>VACANT-Posted</b>
General Laborer – Streets	Dylan White
General Laborer - Drainage	Trevion Johnson
Chief of Police	Brad Caudle
Detective Sergeant	Cayton Barnett
Corporal / K-9 (night)	Mitchell Ferrel
Patrol Officer / K-9 (night)	Mario Reyes



# AGENDA MEMO

## Business of the City Council

### City of Sweeny, Texas

Patrol Officer / Warrant Officer	Erica Harris
Patrol Officer (New Hire)	Joseph Burt
Patrol Officer	Darius Woodard-Smith
Patrol Officer	Emilio Peña
Patrol Officer	VACANT
PD Office Manager	Jessica Bailey
Animal Control Officer / Code Enforcement Officer	Rodger Larsen

Water Plant Operator and Wastewater Plant Operator jobs are posted on the City website.

**Recommended Action**

Information only; no recommended action.

## **Project Updates**

### **March Council Meeting**

**Main Street Water:** By the time of the Council Meeting all the connections from the new line to the existing system should be completed. There will be another crew that comes in and repairs the asphalt and concrete that was damaged during the construction project. That process should start very soon and be completed within a couple of weeks.

**Ave A Sewer Project:** Contractors are moving along at a decent pace. They just installed manhole #13 near the intersection of Francis Street. The plan is to back up and perform cleanup and some temporary road repairs up to this point and then continue installing sewer pipes after that.

**Gas Project:** No progress has been made on this project. The lack of staff with experience and the resignation of 2 employees has held it up.



**Public Works Updates**

**Critical Equipment and Generator Report**

<b>Generators</b>	
GST 1	Level Indicators are broken - reading level of water that is in GST
GST2	Level Indicators are broken - reading level of water that is in GST
Clarifier West	Not Working/ to my knowledge this has been <u>down awhile</u> ; way before my time
Chlorine Contact Chamber	Not Working/ to my knowledge this system is functional just offline
Lift Station 103 Powell	Needs new electric panel/ we do have a quote for them, just waiting on them to come out to install the new panel
Lift Station St. Bernard	Needs Pump (only has one)
Lift Station 1459	Needs Pump (only has one)
All Lift Stations	Needs Suctioned Out
Sewer Plant	Electrical needs to be fixed/ to my knowledge we have had <u>problems</u> with electrical throughout the plant.
<b>Equipment</b>	
Mini Excavator	Hydraulic Cylinder is leaking. <u>Needs</u> repairs, as well as repairs to front bucket
Tractor	Front bucket needs repairs

\*Sorry at this time I have not gotten any quotes for any of this. I will try to have quotes at the next meeting.

**Administration**

- Daniel Wright has passed his test for Class C Water License.





# CITY OF SWEENY

Item 7.

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102 W. Ashley Wilson Rd. • PO Box 248 • Sweeny, Texas 77480 • P: (979) 548-3321



# Consent Report

Business of the City Council  
City of Sweeny, Texas

<b>Department</b>	Crime Control Prevention District (CCPD)
<b>Subject</b>	CCPD Update; Quarterly Meeting Held 02/26/2025

CCPD recently met on 02/26/2025 for their quarterly meeting.

Letter of Resignation was previously received by Position No. 4, John Hessong. This was an action item to accept the resignation.

CCPD received one application and accepted Joshua Bynum's application for Position No. 4. ( This will be on Council's regular agenda for action to accept later in the meeting.)

CCPD discussed the Open Meetings Act and Public Information Act Requirements for all board members.

CCPD discussed on board members holding more than one position at a time.  
Roberts Rules of Order Newly Revised (RONR) shows no objection but can still only count as one vote.

CCPD discussed scheduling the next quarterly meeting for Wednesday, June 4<sup>th</sup>, 2025.



# AGENDA MEMO

## Business of the City Council City of Sweeny, Texas

<b>Meeting Date</b>	03/25/2025	<b>Agenda Items</b>	
<b>Approved by City Manager</b>		<b>Presenter(s)</b>	Mayor Hopkins & Devin Lemon
<b>Reviewed by City Attorney</b>		<b>Department</b>	EOC
<b>Subject</b>	Discussion and possible action on Sweeny High School debrief; Mayor Hopkins & Devin Lemon		
<b>Council Strategic Goals</b>	Safe & Beautiful City		
<b>Attachments / Supporting documents</b>	N/A		
<b>Financial Information</b>	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

### Executive Summary

The Emergency Operations Center (EOC) was activated on February 28, 2025 for the SISD incident. Debriefing to be given by Mayor/Emergency Management Director & Devin Lemon/ Emergency Management Coordinator.

### Recommended Action

N/A- Council Discretion if any.



# AGENDA MEMO

Business of the City Council  
City of Sweeny, Texas

<b>Meeting Date</b>	03/25/2025	<b>Agenda Items</b>	
<b>Approved by City Manager</b>		<b>Presenter(s)</b>	Mayor Hopkins/ Devin Lemon
<b>Reviewed by City Attorney</b>		<b>Department</b>	EOC
<b>Subject</b>	Discussion and possible action on establishing a City EOC Workshop with SFD and SCH.		
<b>Council Strategic Goals</b>	Safe and Beautiful City		
<b>Attachments / Supporting documents</b>	N/A		
<b>Financial Information</b>	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

**Executive Summary**

Establishing a City Emergency Operations Center Workshop with the Sweeny Fire Department and Sweeny Community Hospital.

**Recommended Action**

Council discretion:



# AGENDA MEMO

## Business of the City Council City of Sweeny, Texas

<b>Meeting Date</b>	03/25/2025	<b>Agenda Items</b>	
<b>Approved by City Manager</b>		<b>Presenter(s)</b>	Sweeny Beautification Committee
<b>Reviewed by City Attorney</b>		<b>Department</b>	Sweeny Beautification Committee
<b>Subject</b>	Discussion and possible action on a request from Sweeny Beautification Committee to close a portion of Ashley Wilson Road, from the west side of the intersection of Main Street to the second entrance of the Sweeny Community Center during Pride Day festivities.		
<b>Council Strategic Goals</b>	Beautiful & Safe City; Sense of Community		
<b>Attachments / Supporting documents</b>	Map		
<b>Financial Information</b>	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

### Executive Summary

Sweeny Beautification Committee will be hosting the 2025 Pride Day festivities and are requesting to close a portion of West Ashley Wilson Road. Closure would be from the west side of the intersection at AWR and Main Street, down to the second entrance of the Sweeny Community Center.

The proposed road closure would provide a safe way to get across AWR from the Community Center to the City Hall complex and Backyard Park.

If allowed, the SBC is requesting traffic barricades and detour signage be placed to prevent thru traffic. Texas Avenue would remain open and accessible for detour purposes.

The requested road closure is proposed for Friday and Saturday evenings, similar to last year. For 2024, it was approved to close the roadway on Friday, from 5 pm to midnight, and Saturday, from 7pm (after elections) to midnight.

### Recommended Action

To approve the road closure on Friday, May 2<sup>nd</sup>, 2025 from 5pm to midnight and Saturday, May 3<sup>rd</sup>, 2025 from 7pm to midnight for Pride Day on West Ashley Wilson Road, from Main Street (FM 524) to the second entrance of the Community Center, 205 W Ashley Wilson Road.



# AGENDA MEMO

## Business of the City Council City of Sweeny, Texas

<b>Meeting Date</b>	03/25/2025	<b>Agenda Items</b>	
<b>Approved by City Manager</b>		<b>Presenter(s)</b>	Sweeny Beautification Committee
<b>Reviewed by City Attorney</b>		<b>Department</b>	Sweeny Beautification Committee
<b>Subject</b>	Discussion and possible action on restricting public vehicle access within the 2025 Pride Day festivities; Sweeny Beautification Committee		
<b>Council Strategic Goals</b>	Beautiful & Safe City; Sense of Community		
<b>Attachments / Supporting documents</b>	Map		
<b>Financial Information</b>	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

### Executive Summary

Request to restrict public access within the Pride Day festivities.  
Map is attached depicting the alcohol boundaries- encompassed in purple. This includes the areas behind City Hall, adjacent to City Hall, and Backyard Park.

Beautification requests allowance to restrict public access within these boundaries, including, but not limited too: vehicles, utility vehicles, golf carts, and motorcycles, with the exception of committee members or those designated to transfer those of limited physical abilities.

Allowable committee members and transport services vehicles will have some type of designation shown by Beautification.

### Recommended Action

Council Discretion:  
If approving:  
To allow Sweeny Beautification to restrict public vehicle access for the 2025 Pride Day festivities, within the allowed boundaries.



# AGENDA MEMO

## Business of the City Council City of Sweeny, Texas

<b>Meeting Date</b>	03/25/2025	<b>Agenda Items</b>	
<b>Approved by City Manager</b>	Yes	<b>Presenter(s)</b>	Administration/ Requestor Bill Worrell
<b>Reviewed by City Attorney</b>	Yes	<b>Department</b>	Zoning/Developmental Services
<b>Subject</b>	Discussion and possible action to variance requests for 301 Pecan Street; Property owner Bill Worrell.		
<b>Attachments / Supporting documents</b>	Survey, BCAD information, Residential Homes Images, Commercial Plans, DD LNO, Original Request		
<b>Financial Information</b>	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

### Executive Summary

Owner of 301 Pecan Street, Bill Worrell, is wanting to complete one of two projects. He currently has 5 individually platted lots that were rezoned to Commercial property in 2017. Mr. Worrell is looking at the following options, both of which would require variances to the zoning code, in which are being requested. He prefers to build residential homes (Option 1) if variances are granted. If Council does not want to grant variances needed, he would move to the Commercial project (Option 2) pending variance request approvals. Per our zoning ordinance, you can build a residential home within a C1 zone as long as it adheres to the R2 requirements.

**Option 1:** To replat property into 3 separate lots to build 3 residential dwellings. He is requesting each lot to be 50x75. The R2 requirement for newly platted is 70x120, lot size 8400 sq.ft., side setbacks of 15' total, no less than 5' on any one side. Proposed homes are to be approx.. 1200 sq. ft. with a carport. The R2 requires all carports/garage must meet all setback and building requirements. The total width for the home and carport would be 42'; only leaving 8 ft to the lot width, not meeting the 15 ft. total setback requirement. \*\* Replat would still be required.

--To meet the R2 requirements, he would be requesting the following variances:

- Variance 1- Variance to the lot size
- Variance 2- Variance to the depth of lot
- Variance 3- Variance to the minimum frontage of lot
- Variance 4- Variance to the side setback requirements

**Option 2:** To leave as Commercial property and build a storage unit. He is requesting a variance from the following ordinances for drainage requirements. He has obtained a Letter of No Objection from the West Brazoria County Drainage District with a statement under the General Conditions stating: **West Brazoria County Drainage District does not object if Mr. Worrell wishes to approach the City of Sweeny to seek a variance from certain City of Sweeny drainage requirements. To be reviewed at the sole discretion of the City of Sweeny.** \*\* Replat would still be required.

- Variance 1- To drainage requirements to Ordinance §91.30 C (1)- see below.
- Variance 2- To drainage requirements to Ordinance §153.26 B (1)- see below.

[§91.30 C\(1\)](#) -Civil Work



# AGENDA MEMO

## Business of the City Council

### City of Sweeny, Texas

No person shall construct, reconstruct, repair or alter any parking space or complete any ground civil/flatwork to include dirt moving, spreading caliche, asphaltting or concreting parking areas of over 50% of the property for said construction without engineering and Drainage District approvals. [§153.26 B\(1\)](#) – Flood Hazard Prevention; Specific Standards, Non- Residential Construction  
All new commercial construction and substantial improvements to include industrial or other non-residential structures and/or civil work regardless of special flood zone, must submit a drainage study to include runoff calculations showing no adverse effects of impervious runoff and drainage mitigation to be reviewed by the City Engineer.

#### Recommended Action

Council Discretion-  
Staff feels the requestor should be required to comply with set ordinances and established building codes.

#### Approval of Option 1- Proposed Residential Dwellings (3)

I move to approve the requested variances for proposed residential development at 301 Pecan Street consisting of variances to the lot size, depth of lot, minimum frontage of lot, and side setback requirements per Exhibit A of the Zoning Ordinance, Section 110-69, R2 single family residence. The proposed development must still adhere to all platting and building code requirements.

#### Approval of Option 2- Proposed Commercial Property

I move to approve the requested variances for proposed commercial development at 301 Pecan Street, consisting of variances to the drainage requirements of §91.30 C (1) Civil Work and §153.26 B (1) Flood Hazard Prevention. The proposed development must still adhere to all platting and building code requirements.

#### To Deny:

No action and/or move to deny the requested variances for the property located at 301 Pecan Street for residential or commercial development.



**Property Details**

<b>Account</b>		
<b>Property ID:</b>	255328	<b>Geographic ID:</b> 7885-0264-000
<b>Type:</b>	R	<b>Zoning:</b> 11/14/2018 CH
<b>Property Use:</b>		
<b>Location</b>		
<b>Situs Address:</b>	301 PECAN ST SWEENY,	
<b>Map ID:</b>		<b>Mapsco:</b>
<b>Legal Description:</b>	SWEENY BLK 32 LOT 10TO12-S/2 LOTS 13-14	
<b>Abstract/Subdivision:</b>	S7885	
<b>Neighborhood:</b>	(CSW.SOUTH) SOUTH OF MAIN	
<b>Owner</b>		
<b>Owner ID:</b>	251464	
<b>Name:</b>	WORRELL BILL & ROBERT GOODRUM	
<b>Agent:</b>		
<b>Mailing Address:</b>	410 PECAN ST SWEENY, TX 77480-2438	
<b>% Ownership:</b>	100.0%	
<b>Exemptions:</b>	For privacy reasons not all exemptions are shown online.	

**Property Values**

<b>Improvement Homesite Value:</b>	\$0 (+)
<b>Improvement Non-Homesite Value:</b>	\$0 (+)
<b>Land Homesite Value:</b>	\$0 (+)
<b>Land Non-Homesite Value:</b>	\$21,260 (+)
<b>Agricultural Market Valuation:</b>	\$0 (+)
<b>Market Value:</b>	\$21,260 (=)
<b>Agricultural Value Loss: ?</b>	\$0 (-)
<b>Appraised Value:</b>	\$21,260 (=)
<b>HS Cap Loss: ?</b>	
<b>Circuit Breaker: ?</b>	

**Assessed Value:**

\$ **Item 14.**

**Ag Use Value:**

\$0

Information provided for research purposes only. Legal descriptions and acreage amounts are for Appraisal District use only and should be verified prior to using for legal purpose and or documents. Please contact the Appraisal District to verify all information for accuracy.

## Property Taxing Jurisdiction

**Owner:** WORRELL BILL & ROBERT GOODRUM **%Ownership:** 100.0%

Entity	Description	Tax Rate	Market Value	Taxable Value
CAD	BRAZORIA COUNTY APPRAISAL DISTRICT	0.000000	\$21,260	\$21,260
CSW	CITY OF SWEENY	0.635481	\$21,260	\$21,260
DR9	WEST BRAZORIA COUNTY DRAINAGE DISTRICT #11	0.014453	\$21,260	\$21,260
EM2	BRAZORIA COUNTY EMERGENCY DISTRICT #2	0.074923	\$21,260	\$21,260
GBC	BRAZORIA COUNTY	0.261625	\$21,260	\$21,260
HSW	SWEENY HOSPITAL DISTRICT	0.368068	\$21,260	\$21,260
NAV	PORT FREEPORT	0.000000	\$21,260	\$21,260
RDB	ROAD & BRIDGE FUND	0.041921	\$21,260	\$21,260
SSW	SWEENY INDEPENDENT SCHOOL DISTRICT	0.873100	\$21,260	\$21,260

**Total Tax Rate:** 2.269571

## Property Land

Item 14.

Type	Description	Acreage	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
S1	PRIMARY SITE	0.26	11,250.00	0.00	0.00	\$21,260	\$0

## Property Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap Loss	Assessed
2024	\$0	\$21,260	\$0	\$21,260	\$0	\$21,260
2023	\$0	\$21,260	\$0	\$21,260	\$0	\$21,260
2022	\$0	\$21,260	\$0	\$21,260	\$0	\$21,260
2021	\$0	\$16,710	\$0	\$16,710	\$0	\$16,710
2020	\$0	\$16,710	\$0	\$16,710	\$0	\$16,710
2019	\$0	\$16,710	\$0	\$16,710	\$0	\$16,710
2018	\$0	\$12,380	\$0	\$12,380	\$0	\$12,380
2017	\$0	\$13,500	\$0	\$13,500	\$0	\$13,500
2016	\$0	\$13,500	\$0	\$13,500	\$0	\$13,500

## Property Deed History

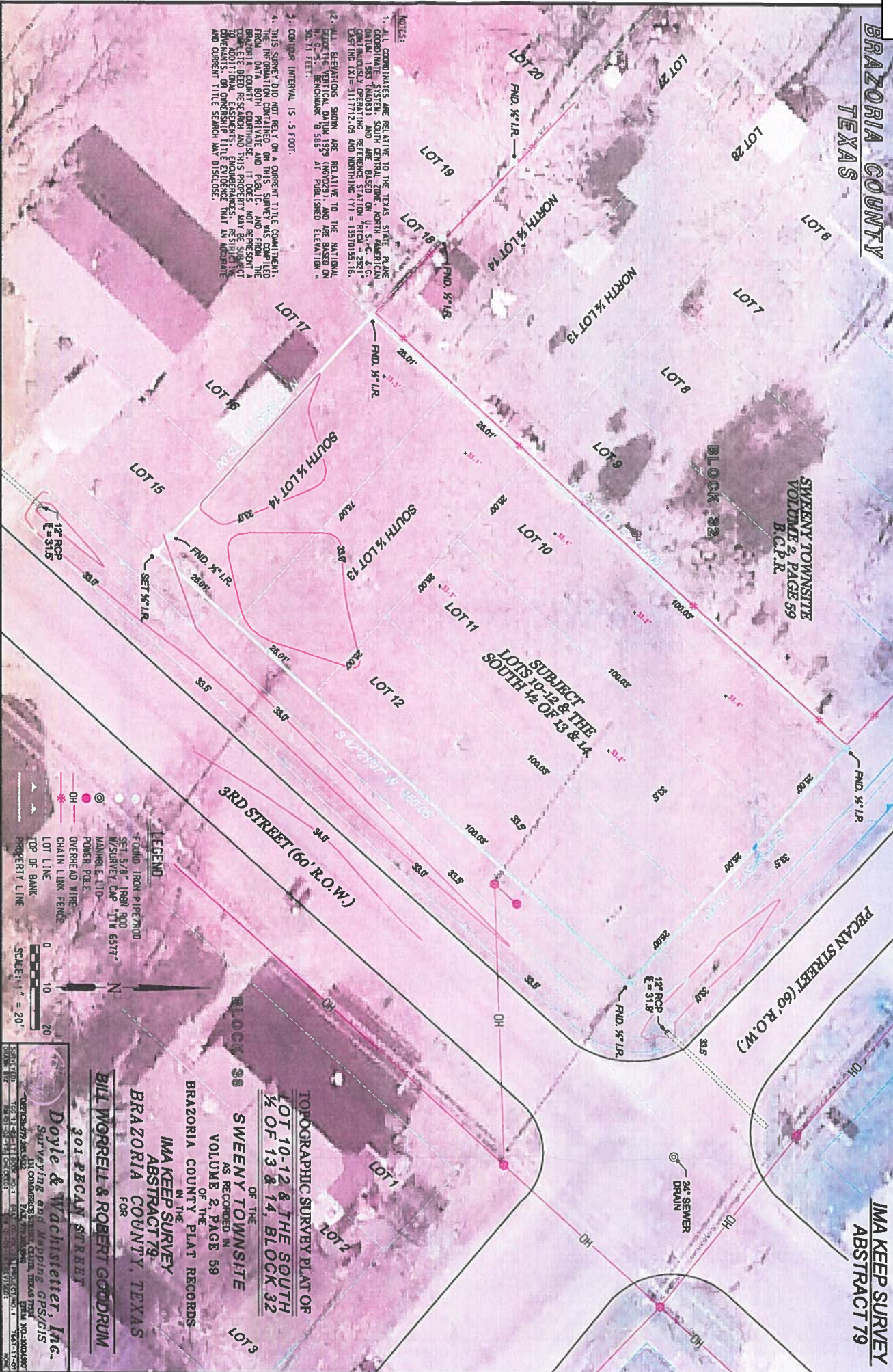
Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Number
6/30/2004	WD	WARRANTY DEED	FRAY EDDIE LEE & CYNTHIA	WORRELL BILL & ROBERT GOODRUM	04	047969	0
12/6/1994	WD	WARRANTY DEED	MORRIS GERALDINE A	ASHCRAFT JONATHAN & MARIAN T	94	043688	0
12/6/1994	DV	DEED RETAINING VENDORS LIEN	ASHCRAFT JONATHAN & MARIAN T	FRAY EDDIE LEE & CYNTHIA	98	043689	0



BRAZORIA COUNTY TEXAS

IMA KEEP SURVEY ABSTRACT 79

SWEENEY TOWNSITE VOLUME 2 PAGE 39 B.C.P.K.



NOTES:

1. ALL COORDINATES ARE RELATIVE TO THE TEXAS STATE PLANNED CONTROL SYSTEM CENTRAL POINT AND ARE BASED ON U.S.C. & G.S. CONTINUOUSLY OPERATING REFERENCE STATION "TRIM" - 2831. EATING (X) = 311712.05 AND NORTHING (Y) = 1310155.15.
2. ALL BEARINGS SHOWN ARE RELATIVE TO THE NATIONAL GRID. THE NAD 83 DATUM (NAD83), AND ARE BASED ON N. G. S. BENCHMARK 78 586' AT PUBLISHED ELEVATION = 367.11 FEET.
3. CONTIGUOUS INTERVAL IS .5 FOOT.
4. THIS SURVEY DID NOT RELY ON A CURRENT TITLE COMMITMENT FROM ANY PUBLIC, PRIVATE AND PUBLIC AND FROM THE BRAZORIA COUNTY COURTHOUSE. IT DOES NOT REPRESENT A TITLE CURATIVE RESEARCH AND THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND CURRENT TITLE SEARCH MAY DISCLOSE.

**LEGEND**

- 4" GALV. IRON PIPE/PROD
- SET 5/8" IRON ROD
- MANNING LID
- POWER POLE
- OVERHEAD WIRE
- CHAIN LINK FENCE
- LOT LINE
- TOP OF BANK
- PROPERTY LINE

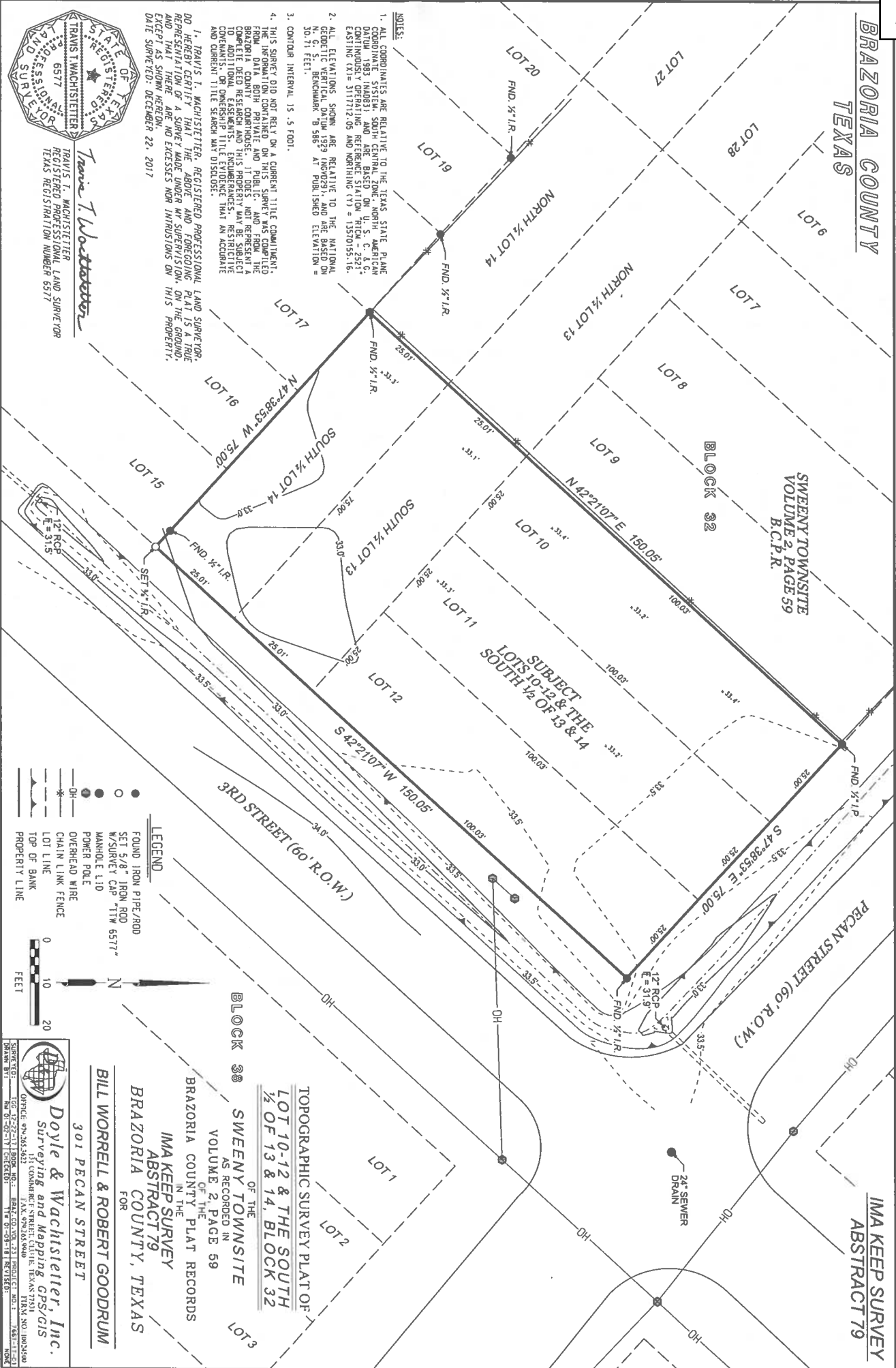
SCALE: 1" = 20'

TOPOGRAPHIC SURVEY PLAT OF  
**LOT 10-12 & THE SOUTH  
 1/2 OF 13 & 14, BLOCK 32**  
 OF THE  
**SWEENEY TOWNSITE**  
 AS RECORDED IN  
 VOLUME 2, PAGE 39  
 OF THE  
 BRAZORIA COUNTY PLAT RECORDS  
 IN THE  
**IMA KEEP SURVEY**  
**ABSTRACT 79,**  
**BRAZORIA COUNTY, TEXAS**  
 FOR  
**BILL WORELL & ROBERT GOODRUM**  
 301 PECAN STREET  
**Doyle & Wachsmetter, Inc.**  
 Surveying and Mapping GPS/CIS  
 110 COMMERCE STREET, SUITE 1000  
 HOUSTON, TEXAS 77002  
 PHONE: 713-261-1100  
 FAX: 713-261-1101  
 WWW.DWASURV.COM

**BRAZORIA COUNTY TEXAS**

SWEENEY TOWNSITE  
 VOLUME 2, PAGE 59  
 B.C.P.R.

IMA KEEP SURVEY  
 ABSTRACT 79



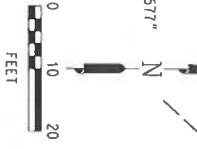
- NOTES:
1. ALTHOUGH DIMENSIONS ARE RELATIVE TO THE TEXAS STATE PLANE DATUM 1983 (NAD83) AND ARE BASED ON UTM ZONE 15 Q UG CONTIGUOUSLY OPERATING REFERENCE STATION "TRCA - 2521" EASTING (X) = 311712.05 AND NORTHING (Y) = 13570155.16.
  2. ALL ELEVATIONS SHOWN ARE RELATIVE TO THE NATIONAL GEODETIC VERTICAL DATUM 1929 (NGVD29), AND ARE BASED ON N.G.S. BENCHMARK "B 5865" AT PUBLISHED ELEVATION = 30.71 FEET.
  3. CONTIGUOUS INTERNAL IS 5 FEET.
  4. THIS SURVEY DID NOT RELY ON A CURRENT TITLE COMMITMENT; HOWEVER, THE SURVEYOR HAS REVIEWED THE TITLE COMMITMENT FROM THE PUBLIC RECORDS AND HAS FOUND NO DISCREPANCIES. THE SURVEYOR DOES NOT REPRESENT A COMPLETE DEED RESEARCH AND THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL EASEMENTS AND ENCUMBRANCES. RESISTIVE TO THE SURVEYOR'S KNOWLEDGE, THERE ARE NO UNRECORDED AND CURRENT TITLE SEARCH MAY DISCLOSE THAT AN ACCURATE

I, TRAVIS T. WACHSLETTER, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY MADE UNDER MY SUPERVISION, ON THE PROPERTY, EXCEPT AS SHOWN HEREON, AND EXCEPT FOR INTRUSIONS ON THIS PROPERTY.  
 DATE SURVEYED: DECEMBER 22, 2017



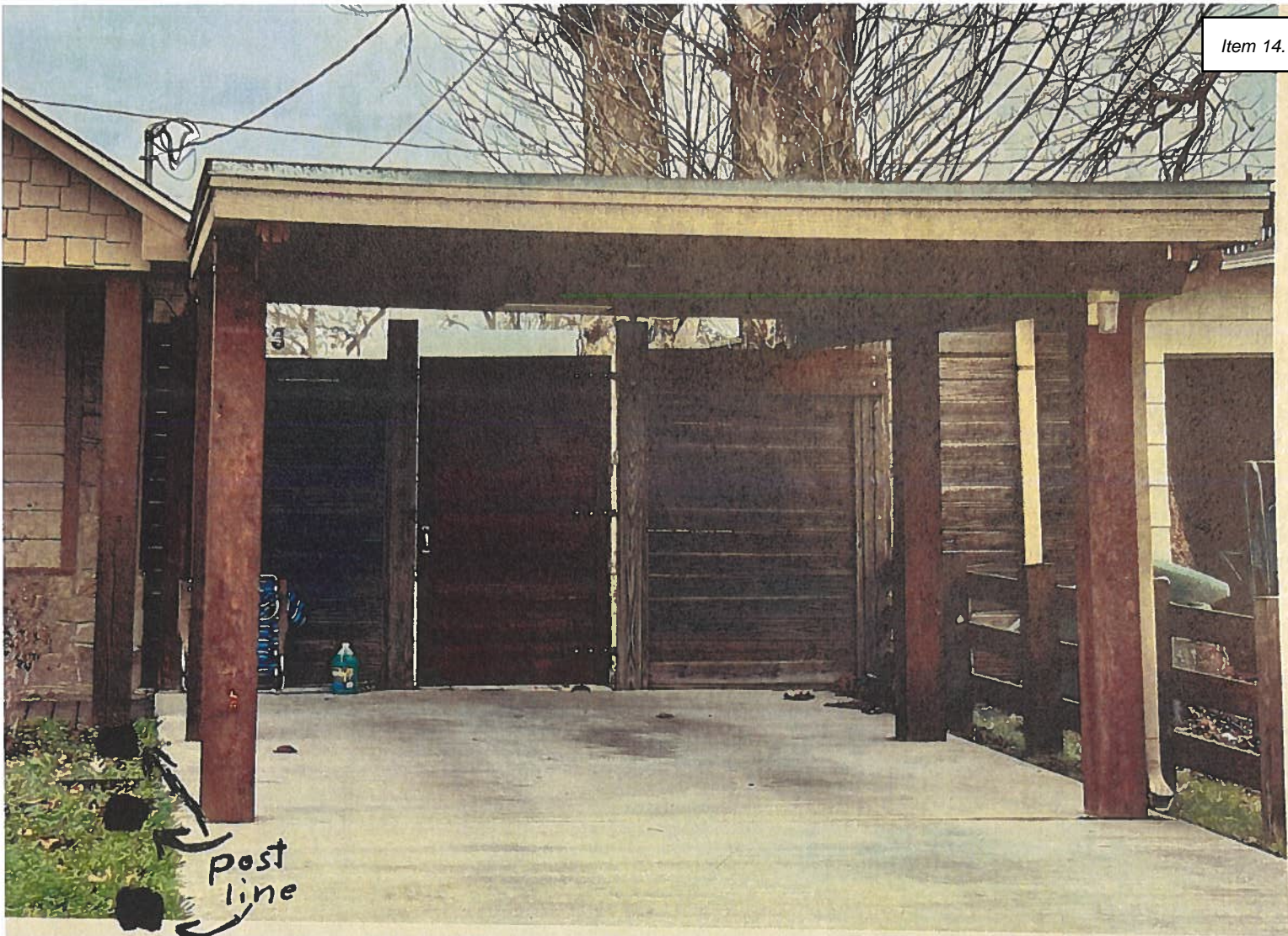
Travis T. Wachstetter  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 TEXAS REGISTRATION NUMBER 6577

- LEGEND
- FOUND IRON PIPE/ROD
  - SET 5/8" IRON ROD
  - W/SURVEY CAP "TR 6577"
  - MANHOLE LID
  - POWER POLE
  - OVERHEAD WIRE
  - CHAIN LINK FENCE
  - LOT LINE
  - TOP OF BANK
  - PROPERTY LINE



**Doyle & Wachstetter, Inc.**  
 Surveying and Mapping GPS/CIS  
 151 COMMERCE STREET, SUITE 1100, DALLAS, TEXAS 75201  
 OFFICE: 972-251-7777 | MOBILE: 972-251-7777 | FAX: 972-251-7777  
 WWW.DWASURVEYING.COM | EMAIL: INFO@DWASURVEYING.COM

TOPOGRAPHIC SURVEY PLAT OF  
**LOT 10-12 & THE SOUTH 1/2 OF 13 & 14, BLOCK 32**  
 OF THE  
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**ABSTRACT 79**  
 BRAZORIA COUNTY, TEXAS  
 FOR  
**BILL WORRELL & ROBERT GOODRUM**  
 301 PECAN STREET



post line

Note! I can move Carport to the left to stay in line w/ house & Gain Approx. 2' - That would Give our structure a total of 42' - we would have 8' to deal with For an offset on Both Sides... maybe  $2\frac{1}{2} + 3$  a 5 +  $5\frac{1}{2}$  on the other side would be better than a  $4\frac{1}{4}$  split...





Item 14.





# CITY OF SWEENY

102 W. Ashley Wilson Rd. • PO Box 248 • Sweeny, Texas 77480 • P: (979) 548-3321 • F: (979) 548-7745

The following will be used to request an item to be placed on the agenda with the Sweeny City Council.

**Personal Information:**

Name:

Bill Worrell

Mailing Address:

410 Pecan

Physical Address:

[Redacted]

Email(s):

[Redacted]

Phone(s):

Please include specific details of the item you wish to be placed on the agenda.

NO Pond  
in town please -  
(retention not needed  
on 302 Pecan  
For small climate  
storage)

Signature:

Bill Worrell

Date:

1-13-25

*Requests must be received by the City Manager by close of business 10 days prior to the scheduled meeting date for placement. Administration and/or their designee reserves the right to delay the item to the following regularly scheduled meeting if it is determined that more time is needed in order to compile information specific to the request.*

*Once Council has acted on an agenda item; that item cannot be placed on the agenda for a period of six (6) full months. Exception is provided if three members of Council ask that the item be returned early to the agenda, or the Mayor or City Manager determines it is in the interest of the City to do so.*

Rec 1.13.25

**PRODUCT DESIGN PRESSURE REQUIREMENTS  
ROOFS WITH MEAN ROOF HEIGHT OF 20'**

PRODUCT	140 MPH	145 MPH	150 MPH
	EXP C	EXP C	EXP C
WINDOWS	36.12 psf	38.7 psf	41.28 psf
DOORS	33.54 psf	36.12 psf	38.7 psf
GARAGE DOOR (16x7)	28.38 psf	30.32 psf	32.25 psf
SIDING	36.12 psf	38.7 psf	41.28 psf

**PRODUCT DESIGN PRESSURE REQUIREMENTS  
ROOFS WITH MEAN ROOF HEIGHT OF 30'**

PRODUCT	140 MPH	145 MPH	150 MPH
	EXP C	EXP C	EXP C
WINDOWS	39.2 psf	42 psf	44.8 psf
DOORS	36.4 psf	39.2 psf	42 psf
GARAGE DOOR (16x7)	30.8 psf	32.9 psf	35 psf
SIDING	39.2 psf	42 psf	44.8 psf

**PRODUCT DESIGN PRESSURE REQUIREMENTS  
ROOFS WITH MEAN ROOF HEIGHT OF 40'**

PRODUCT	140 MPH	145 MPH	150 MPH
	EXP C	EXP C	EXP C
WINDOWS	41.7 psf	44.7 psf	47.7 psf
DOORS	38.74 psf	41.7 psf	44.7 psf
GARAGE DOOR (16x7)	32.8 psf	35 psf	37.25 psf
SIDING	41.7 psf	44.7 psf	47.7 psf

**2x6 RAFTER SPAN FOR WIND LOADING  
16" o.c. (FT) (IRC 2018)**

SPACING	ROOF SLOPE	140 MPH	145 MPH	150 MPH
		EXP. C	EXP. C	EXP. C
SYP#2, 16" O.C.	0-3:12	9'-1"	8'-8"	8'-4"
SYP#2, 16" O.C.	4:12	9'-0"	8'-6"	8'-2"
SYP#2, 16" O.C.	5:12	8'-9"	8'-4"	7'-11"
SYP#2, 16" O.C.	6:12	8'-6"	8'-1"	7'-9"
SYP#2, 16" O.C.	7:12	10'-0"	9'-7"	9'-2"
SYP#2, 16" O.C.	8:12	9'-9"	9'-3"	8'-10"
SYP#2, 16" O.C.	9:12	9'-4"	8'-10"	8'-6"
SYP#2, 16" O.C.	10:12	9'-0"	8'-6"	8'-2"
SYP#2, 16" O.C.	11:12	8'-7"	8'-2"	7'-10"
SYP#2, 16" O.C.	12:12	8'-3"	7'-10"	7'-6"

**2x8 RAFTER SPAN FOR WIND LOADING  
16" o.c. (FT) (IRC 2018)**

SPACING	ROOF SLOPE	140 MPH	145 MPH	150 MPH
		EXP. C	EXP. C	EXP. C
SYP#2, 16" O.C.	0-3:12	12'-5"	11'-11"	11'-4"
SYP#2, 16" O.C.	4:12	12'-2"	11'-8"	11'-2"
SYP#2, 16" O.C.	5:12	11'-10"	11'-4"	10'-10"
SYP#2, 16" O.C.	6:12	11'-6"	11'-0"	10'-7"
SYP#2, 16" O.C.	7:12	13'-7"	13'-1"	12'-6"
SYP#2, 16" O.C.	8:12	13'-2"	12'-8"	12'-1"
SYP#2, 16" O.C.	9:12	12'-7"	12'-1"	11'-7"
SYP#2, 16" O.C.	10:12	12'-2"	11'-8"	11'-2"
SYP#2, 16" O.C.	11:12	11'-7"	11'-2"	10'-8"
SYP#2, 16" O.C.	12:12	11'-2"	10'-9"	10'-3"

**SHEARWALL LEGEND**

Wall Type	Sheathing [in]		Fasteners		Spcg [in]		Framing Members [in]			Apply			
	Grp	Surf	Material	Thick	Size	Type	Edg	Fld	Blkg		Species	G	Spc
SW6	Ext		OSB/PLYWOOD	7/16	10d	Nail	6	12	yes	S-P-F	0.50	1'-4"	1,3
SW4	Ext		OSB/PLYWOOD	7/16	10d	Nail	4	12	yes	S-P-F	0.50	1'-4"	1,3
SW3	Ext		OSB/PLYWOOD	7/16	10d	Nail	3	12	yes	S-P-F	0.50	1'-4"	1,3
SW2	Ext		OSB/PLYWOOD	7/16	10d	Nail	2	12	yes	S-P-F	0.50	1'-4"	1,2*,3

Grp - Wall Design Group; Surf - Exterior or interior surface of exterior wall; Spcg - Edge or field nail spacing; Blkg - Blocked; G - Specific gravity; Spc - Wall stud spacing  
Notes: (1.) Capacity has been reduced according to IBC specific gravity adjustment. (2)\* Framing at adjoining panel edges shall be 3-inch nominal or wider, and nails shall be staggered where nails are 2" o.c. (3). Shear capacity for current design has been increased to the value for 15/32" sheathing with same nailing because stud spacing is 16" max. or panel orientation is horizontal.

**EXTERIOR SHEARWALLS**  
ALL EXTERIOR WALLS SHALL BE FULLY SHEATHED USING WALL TYPE SW4 SHEARWALLS AND SHALL EXTEND TO THE ROOF FRAMING UNLESS NOTED OTHERWISE.

**\*\* INTERIOR SHEARWALLS**  
ALL INTERIOR SHEARWALLS SHALL EXTEND TO THE ROOF FRAMING ABOVE WITH A DOUBLE RAFTER DRAG STRUT AT THE TOP SEE DETAIL M1 WS2-2

**ALL SHEARWALLS SHALL BE FULL HEIGHT FROM THE SOLE PLATE TO THE ROOF DIAPHRAGM.**

**CORROSION RESISTANT FASTENERS**  
**GALVANIZED STEEL, STAINLESS STEEL,  
ALUMINUM OR COPPER**

**HOLDDOWN CONNECTOR LEGEND AND FOUNDATION NOTES**

- 1 SIMPSON STHD14 CONNECTOR OR EQUIV. PLACED PRIOR TO FOUNDATION POUR ACCORDING TO DETAIL A1, OR SIMPSON HTI4 CONNECTOR OR EQUIV. PLACED AFTER POUR ACCORDING TO DETAIL A2, WINDSTORM DETAIL SHEET WS 1-2 4800#
- 2 SIMPSON HTI5KT CONNECTOR OR EQUIV. SET AFTER POUR ACCORDING TO DETAIL A2, WINDSTORM DETAIL SHEET WS 1-2 5500#
- 3 SIMPSON HDQ8-SDS3 CONNECTOR OR EQUIV. SET TO 4X4 POST AFTER POUR ACCORDING TO DETAIL A3, WINDSTORM DETAIL SHEET WS 1-2 7600#

**ANCHOR BOLT NOTES:**

- ANCHOR BOLTS SHALL BE 5/8" DIAMETER X 10" BOLTS PLACE 32" O.C. EMBEDDED 7" INTO SLAB.
- RETRO FIT BOLTS SHALL BE 5/8" DIA. AND HAVE A TENSION CAPACITY OF 1,300 LBS.

**UPLIFT REQUIREMENTS**

UPLIFT LOAD PATH MUST BE CONTINUOUS FROM THE ROOF TO THE FOUNDATION ANCHORAGE POINTS AND ACCEPTABLE HURRICANE CONNECTORS PER TABLE 3, CS 1-1

**-RAFTER AND STUD ANCHORAGE (PER MEMBER)-**

RAFTER TO TOP PLATE:	ANCHORAGE
TOP PLATE TO STUD:	600 LBS
STUD TO SOLE PLATE:	600 LBS
	420 LBS

**-HEADER ANCHORAGE-**

HEADER STUDS TO HEADER AND SOLE PLATE:

OPENING SIZE	ANCHORAGE
3'	600 LBS
6'	1125 LBS

**-OVERHANG ANCHORAGE-**

RAFTER TO BEAM:	ANCHORAGE
POST TO BEAM/	600 LBS
POST TO SLAB:	4,000 LBS

**REVISED: 2018 IRC/IBC**

**HOLDDOWN CONNECTOR LEGEND FOR SECOND FLOOR**

- HD 1 INDICATES 1-36" CS14 COIL STRAPS FROM DBL STUD PACK ABV TO STRINGER/ PERP. BEAM/ DBL STUD PACK BELOW SHEET WS2-2 (2,490#)
- HD 2 INDICATES 2-36" CS14 COIL STRAPS FROM DBL STUD PACK ABV TO STRINGER/ PERP. BEAM/ DBL STUD PACK BELOW SHEET WS2-2 (4,980#)
- HD 3 INDICATES 3-36" CS14 COIL STRAPS FROM DBL STUD PACK ABV TO STRINGER/ PERP. BEAM/ DBL STUD PACK BELOW SHEET WS2-2 (7,470#)
- HD 4 INDICATES MSTC52 (48 NAILS) STRAP FROM DBL STUD PACK ABV TO STRINGER/ PERP. BEAM/ DBL STUD PACK BELOW SHEET WS2-2 (4,610#)
- HD 5 INDICATES MSTC66 (68 NAILS) FROM DBL STUDS TO STRINGER/ PERP. BEAM/ DBL STUD PACK BELOW SHEET WS2-2 (5,850#)
- HD P INDICATES 2-LSTA12 FROM POST DIRECTLY TO STRINGER/ PERP. BEAM/ DBL STUD PACK BELOW

**PROJECT INFORMATION:**

**TYPE OF PROJECT:**  
CLIMATE CONTROLLED STORAGE  
**BUILDER/ HOME OWNER:**  
ALLSIDES/WORRELL  
**PROJECT ADDRESS:**  
301 PECAN STREET  
SWEENEY, TEXAS

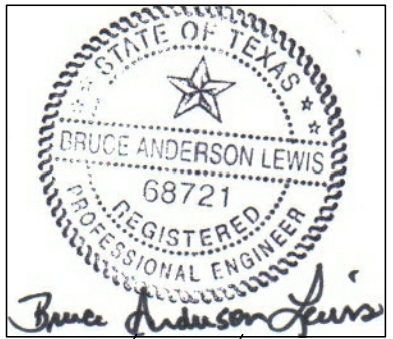
THE 2018 IRC WILL MEET OR EXCEED THE 2009/2012/2015 IRC CODE.

**DESIGN CRITERIA/STANDARD:**

2018 WOOD FRAME CONSTRUCTION MANUAL, CHAPTER 2 AND ASCE 7-16  
ULTIMATE WIND SPEED: **145** MPH  
EXPOSURE CATEGORY: C  
DESIGN MEAN ROOF HEIGHT: **20'**

**OTHER DESIGN CRITERIA:**

ALL OTHER CONSTRUCTION SHALL BE PER CONSTRUCTION STANDARD SHEET CS 1-1, AND WINDSTORM DETAIL SHEETS WS 1-2 AND WS 2-2. WHERE THE CONSTRUCTION STANDARD AND THIS DOCUMENT VARY, THIS TEMPLATE SHALL TAKE PRECEDENCE. THIS DESIGN IS FOR WIND ONLY.  
  
OTHER OR NON SPECIFIED CONSTRUCTION DETAILS, MATERIAL REQUIREMENTS AND LOADS SHALL BE PER THE 2018 INTERNATIONAL RESIDENTIAL CODE.



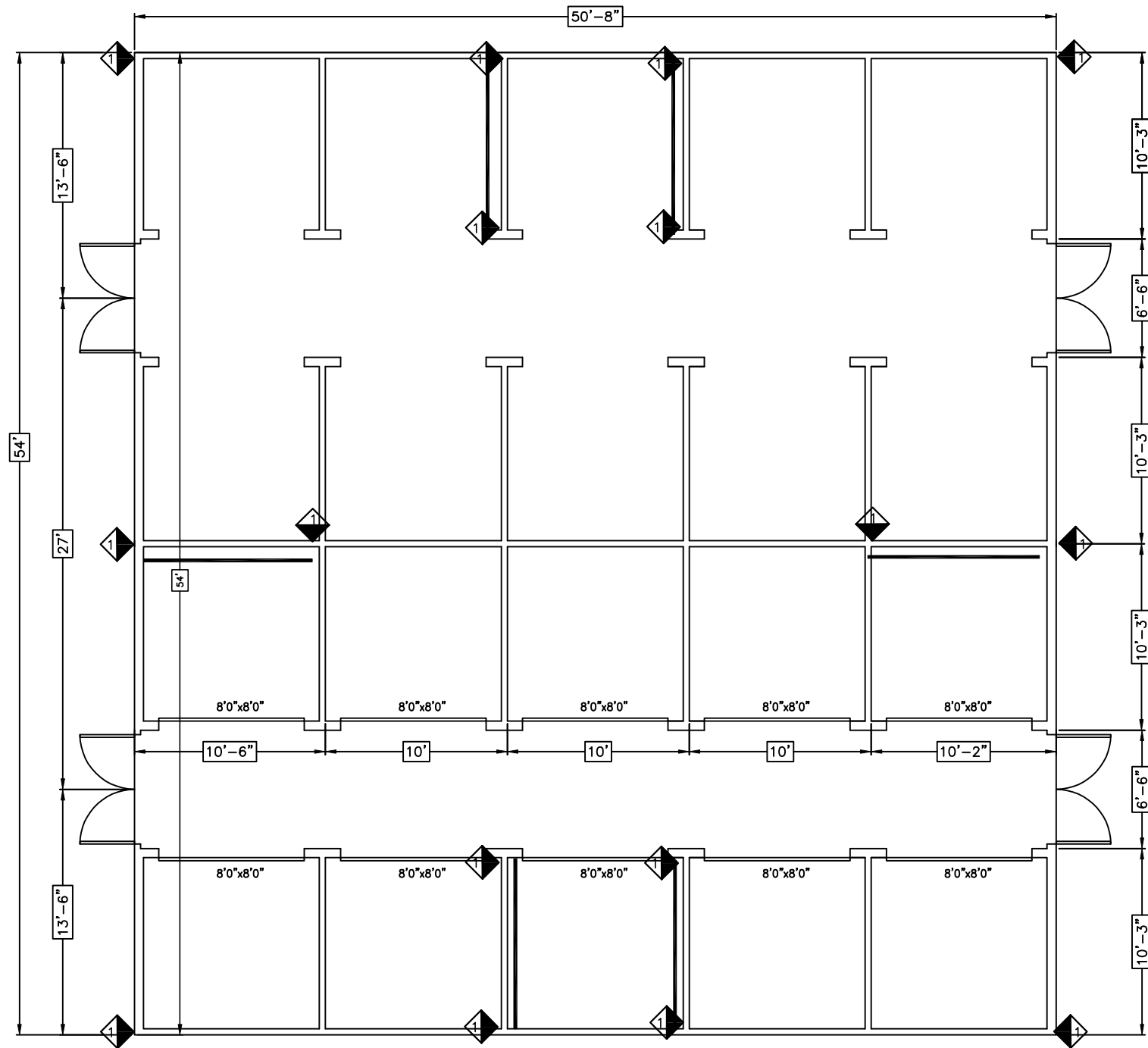
5/24/24

**\*\*THIS SHEET MUST REMAIN ATTACHED TO THE WINDSTORM DESIGN\*\***

Item 14.  
WWW.CBWINDESTORM.COM  
798 FM 517  
ALVIN, TEXAS 77511  
(281) 331-0788  
REG# F-003193

COASTAL BUILDING INSPECTIONS  
Engineering WINDSTORM!  
F-003193

COVER SHEET  
  
PLEASE NOTE THAT ANY CHANGE TO THE DESIGN AFTER ENGINEERING HAS BEEN COMPLETED WILL RESULT IN A MINIMUM REVISION FEE OF \$500.00



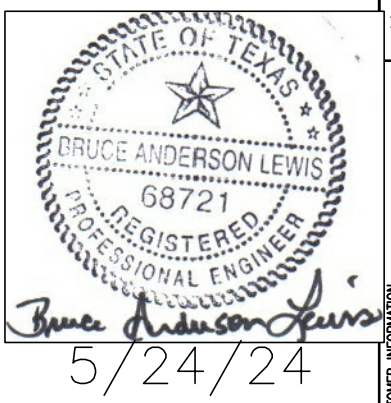
FLOOR PLAN

Item 14.  
 WWW.CBIWINDSTORM.COM  
 798 FM 517  
 ALVIN, TEXAS 77511  
 (281) 331-0788  
 REG# F-003193



WINDSTORM  
 DESIGN  
 PLANS

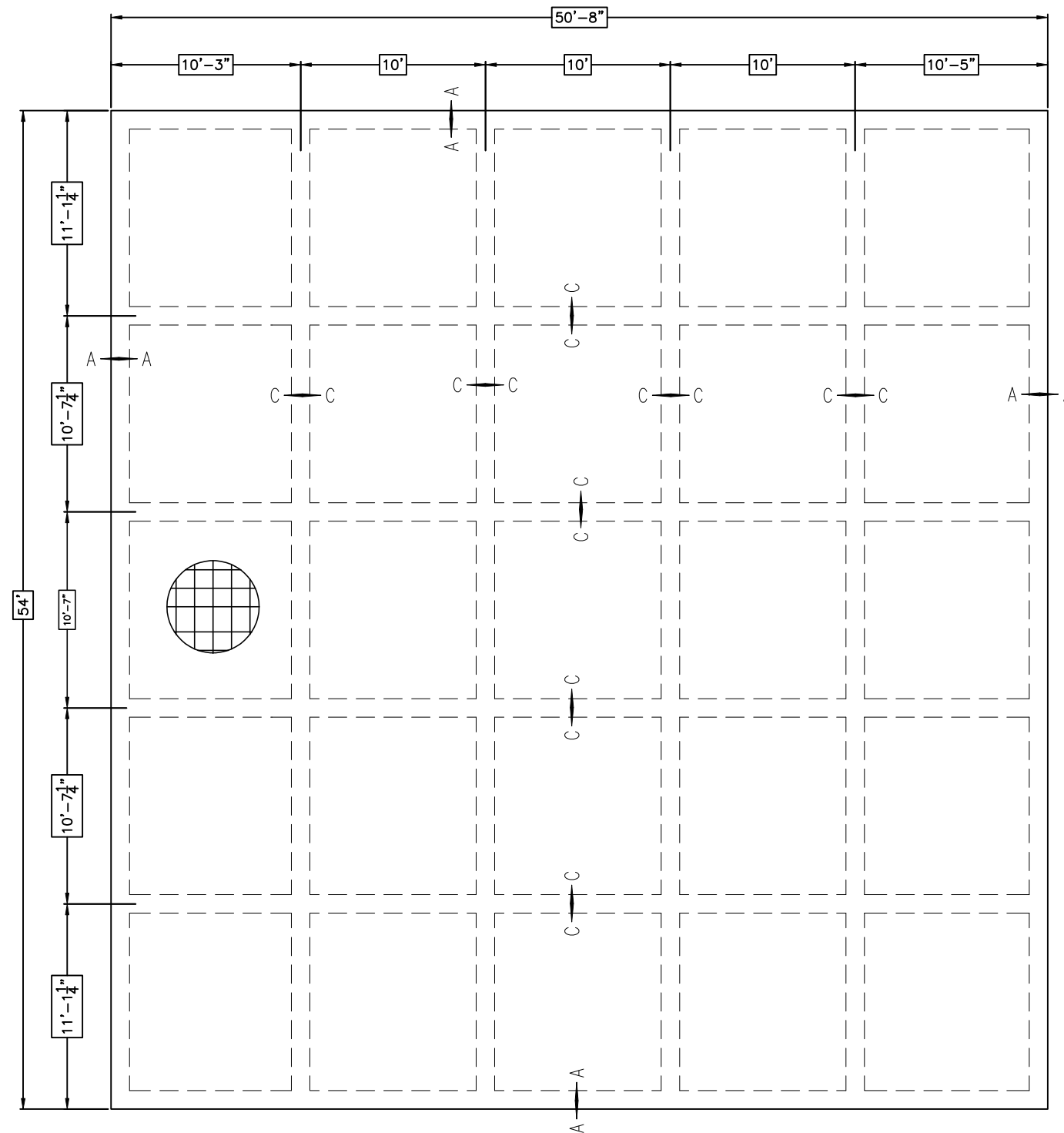
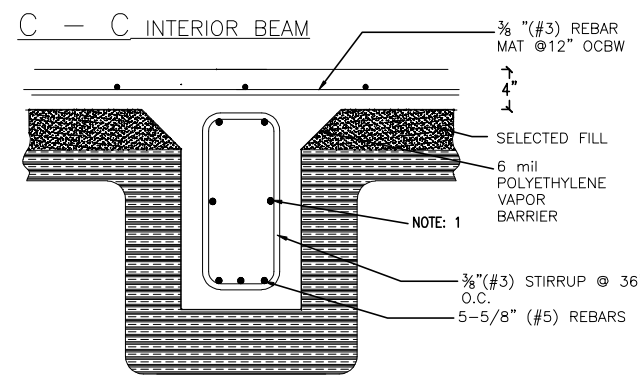
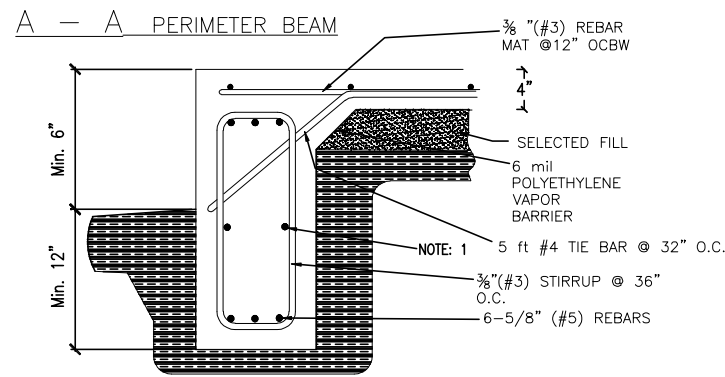
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 \$500.00



CUSTOMER INFORMATION  
 ALLSIDES INSPECTIONS  
 CLIMATE CONTROLLED STORAGE

PROJECT INFORMATION  
 WINDSTORM DESIGN PLAN - 145C  
 301 PECAN STREET  
 SWEENY  
 05/13/2024

PLAN NO:  
 STORAGE  
 SHEET NO:  
 1 37



**FOUNDATION DESIGN**

All dimensions are to be verified for accuracy by Builder in the Field before placement of steel and concrete

- 4" 3,000 PSI CONCRETE SLAB REINFORCED WITH #3 ROD AT 12" O.C.E.W. SET ON SAND CHAIRS AT 36" O.C.E.W., OVER 6 MIL. POLY VAPOR BARRIER.

- 2" SELECT SAND CUSHION COMPACTED TO 95% PROCTOR OVER VEGETATION FREE SOIL.

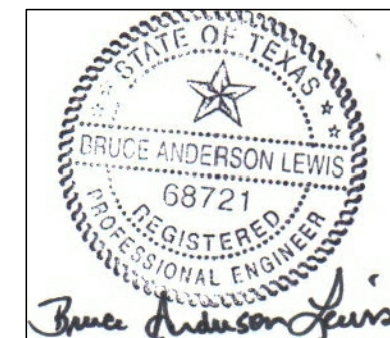
- VERIFY ALL UNDER SLAB PLUMBING, ELECT. AND MECHANICAL REQUIREMENTS BEFORE POURING SLAB

- LOCATE HOLDDOWNS AS SHOWN ON WINDSTORM PLAN.

- 5/8" X 10" ANCHOR BOLTS @ 32" O.C. MAX. AND 12" MAX. FROM END OF PLATE.

- 4-#4 CORNER BARS @ EXTERIOR CORNERS

Beams: 12" min. x 28" deep with min. of 12" in undisturbed or 95% PI compacted soil unless otherwise specified



5/24/24

PROJECT INFORMATION	
WINDSTORM DESIGN PLAN - 145C	
301 PECAN STREET	
SWEENEY	
05/13/2024	

Item 14.  
WWW.CBWINSTORM.COM  
798 FM 517  
ALVIN, TEXAS 77511  
(281) 331-0788  
REG# F-003193



WINDSTORM DESIGN PLANS

PLEASE NOTE THAT ANY CHANGE TO THE DESIGN AFTER ENGINEERING HAS BEEN COMPLETED WILL RESULT IN A MINIMUM REVISION FEE OF \$500.00

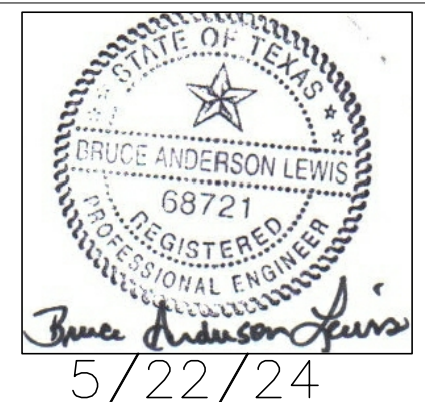
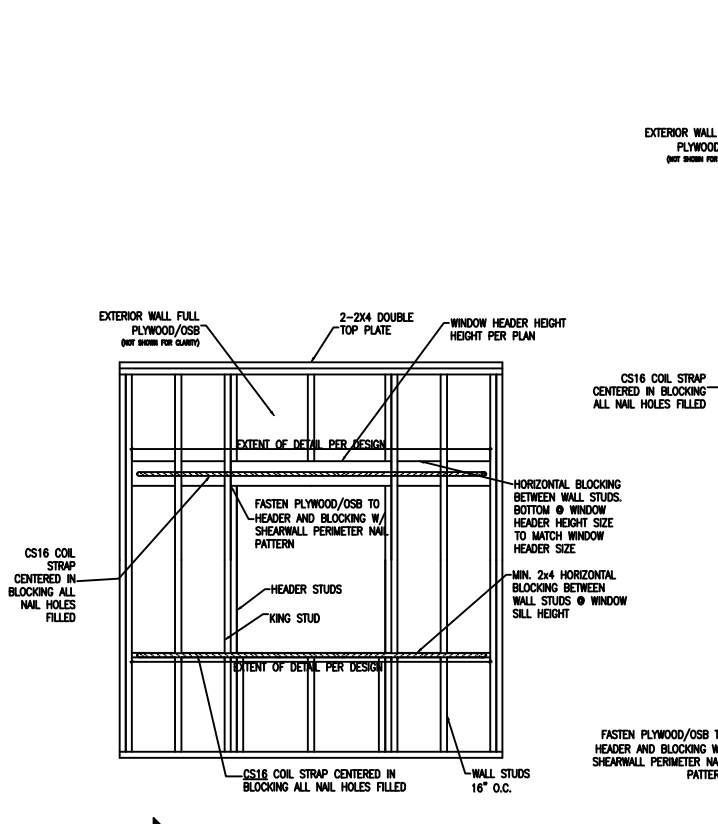
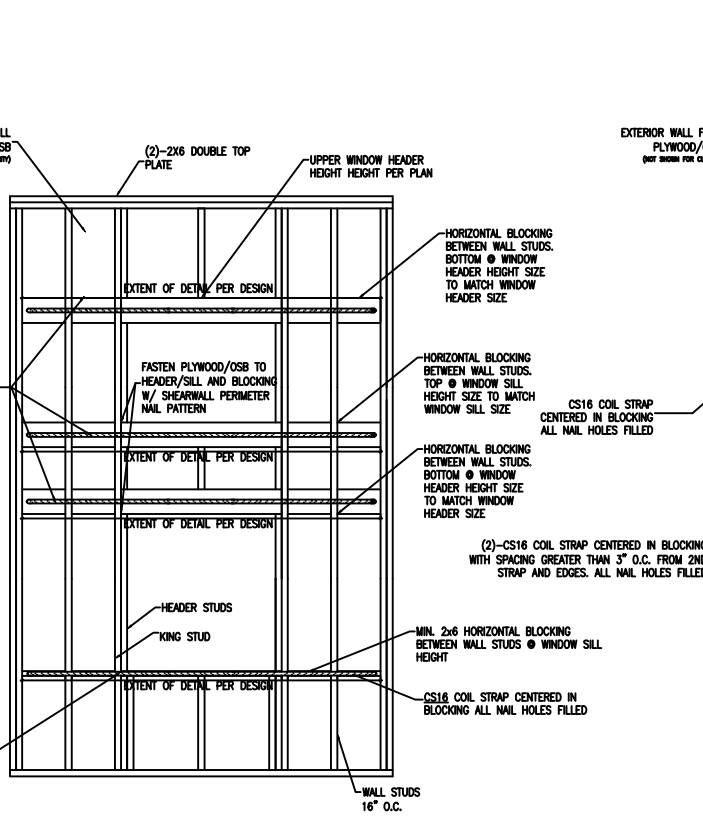
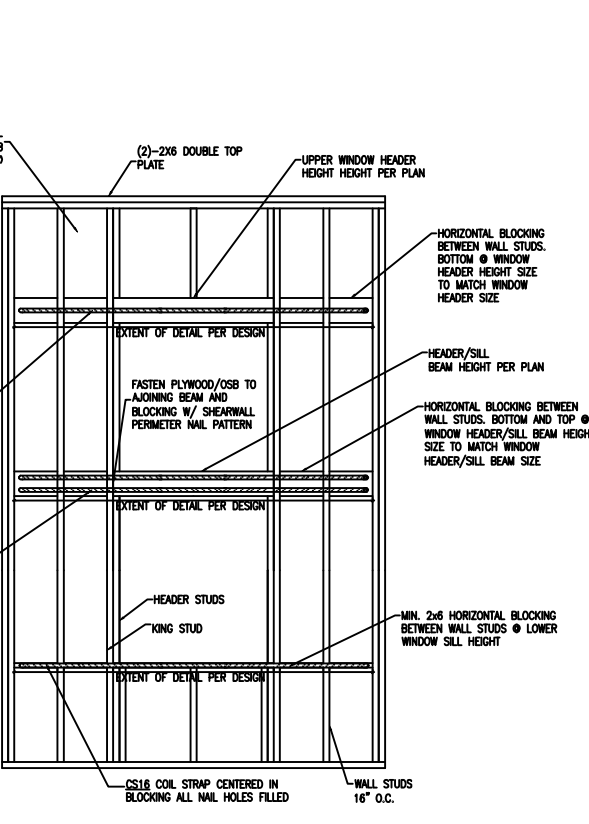
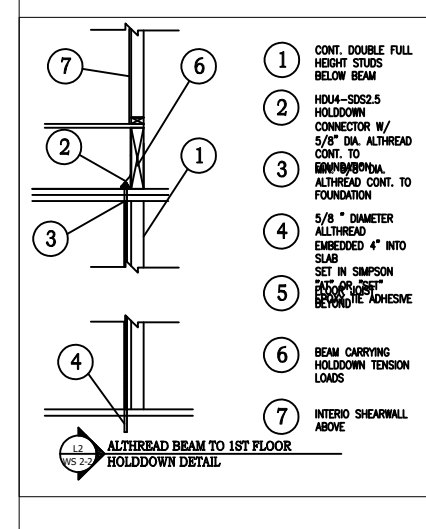
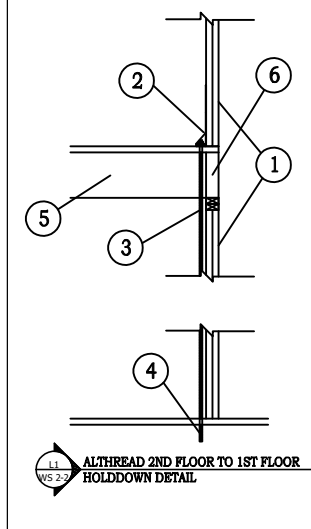
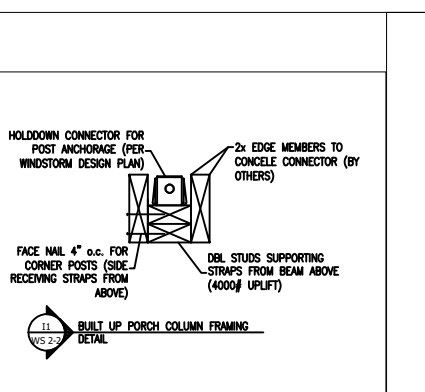
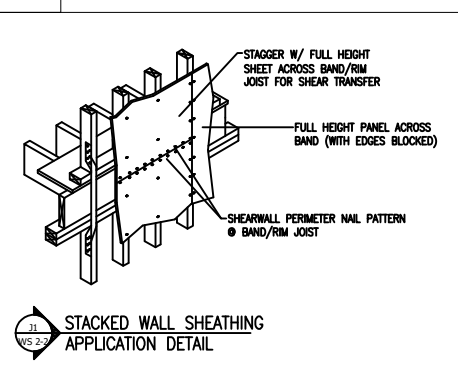
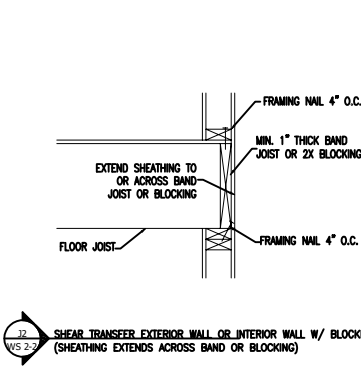
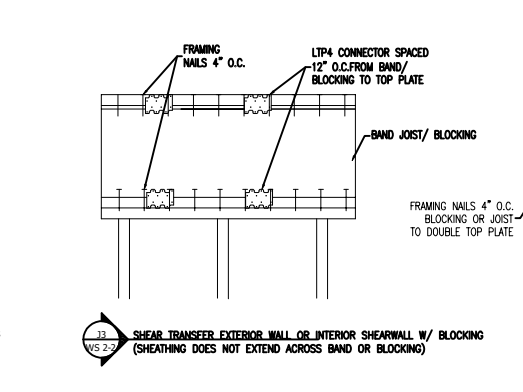
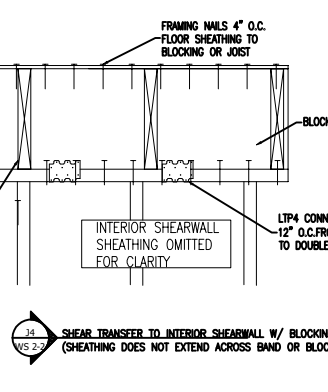
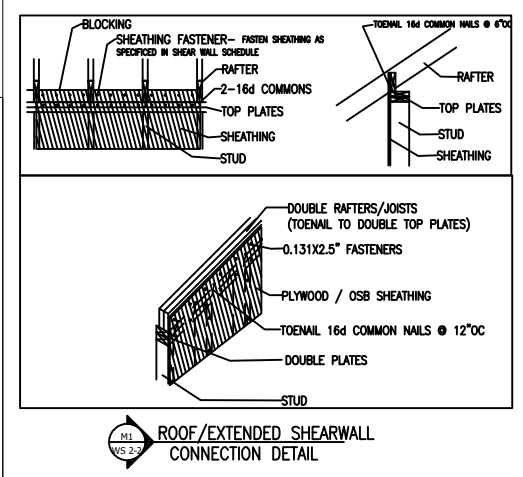
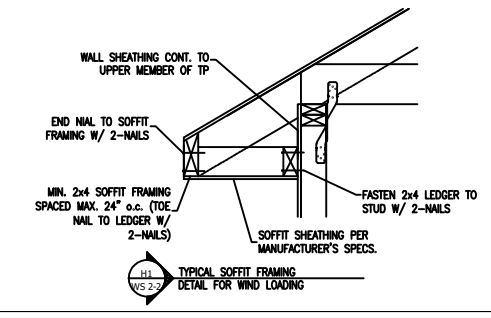
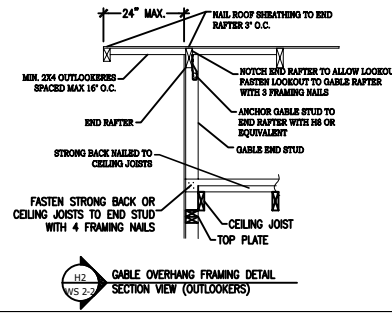
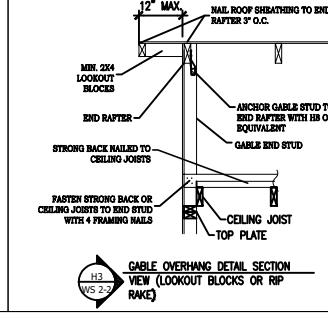
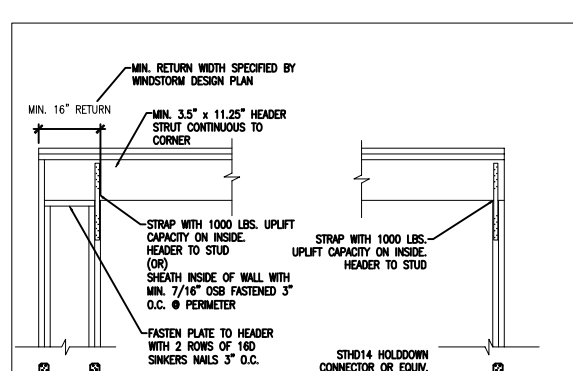
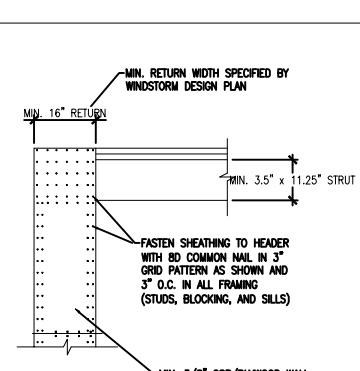
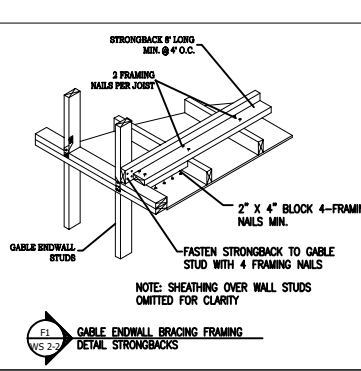
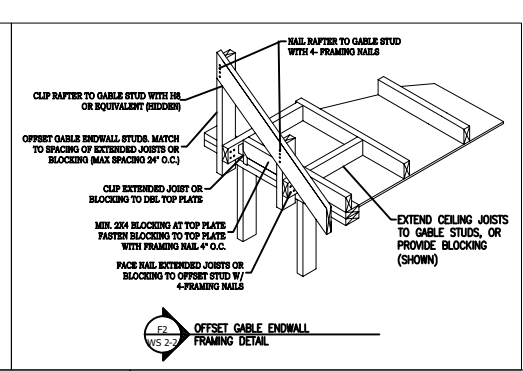
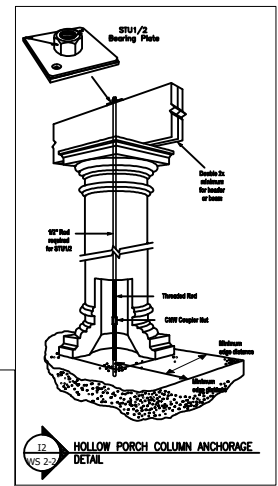
CUSTOMER INFORMATION  
ALLSIDES INSPECTIONS  
CLIMATE CONTROLLED STORAGE

PLAN NO:  
STORAGE  
SHEET NO:  
FD 38









**WEST BRAZORIA COUNTY DRAINAGE DISTRICT  
PRE-CONSTRUCTION LETTER OF NO OBJECTION**

**PROJECT NAME AND LOCATION:** Proposed metal building for storage facility 301 Pecan Street, Lots 10, 12, and 1/2 of 13 and 14, Block 32, Sweeny Townsite.

**BRIEF DESCRIPTION OF PROJECT:** Proposal to build metal building on 75' by 150' tract. Outfall ditches have no depth. No room for detention pond. ..

**APPLICANT AND CONTACT INFORMATION (including email):** Bill Worrell 401 Pecan Street, Sweeny, Texas.

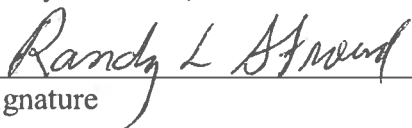
**OWNER NAME AND ADDRESS:** Bill Worrell (same)

**GENERAL CONDITIONS:** West Brazoria County Drainage District does not object if Mr. Worrell wishes to approach the City of Sweeny to seek a variance from certain City of Sweeny drainage requirements. To be reviewed at the sole discretion of the City of Sweeny.

**AUTHORIZATION:**

Randy L. Stroud, P. E. 50839 Firm No F-572, District Engineer

201 South Velasco  
Angleton, TX 77515

  
Signature

2-09-25  
Date

**COPIES TO:**

- Michael Bendit, District Accountant
- Natalie Broaddus, District's Attorney
- Section Director- John Richers

*Worrell 9/11/25*



**AGENDA MEMO**  
 Business of the City Council  
 City of Sweeny, Texas

Item 15.

<b>Meeting Date</b>	03/25/2025	<b>Agenda Items</b>	
<b>Approved by City Manager</b>	Yes	<b>Presenter(s)</b>	Administration
<b>Reviewed by City Attorney</b>	Yes	<b>Department</b>	Developmental Services
<b>Subject</b>	Discussion and possible action to review the annexation service plan and agreement for received request of annexation and utilities for proposed subdivision of 62.296 acres to be completed by C & D Development LLC.		
<b>Council Strategic Goals</b>	Vibrant Economy		
<b>Attachments / Supporting documents</b>	Survey, Proposed Subdivision Phased Drawing, Letter of Request, COS Annexation Service Plan		
<b>Financial Information</b>	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

**Executive Summary**

The City of Sweeny has received a request for annexation with utility extension for a proposed subdivision off of Old Main Street; PID 182654. This property consists of 62.296 acres and has the potential for 150+ residential homes. If approved, the development would consist of several phases, with the first being 23 to 44 homes. The front part of the property is already within the City limits; this request is to annex the full property and request the extension of City utilities to the property.

The City is seeking Council's approval to move forward with the annexation process of the proposed subdivision development, to include utility improvements and extensions. In moving forward, the first step would be for the City to negotiate a written service agreement. The agreement would cover all services the City is agreeing to provide to include fire and police protection, and utilities as negotiated. The City would need to determine any additional specific information to be included within the agreement. Draft is attached; any updates and/or revisions to the previous City Annexation Service Plan is highlighted with the majority being statute driven. Previous plan is dated 2007 and was valid for a term of ten years.

After the agreement is made and signed, a public hearing would be required. Notice will require advertisements in the newspaper, special notice to the school district and other public entities that provide services. An ordinance would be required to be approved completing the annexation following the required hearing, as per the requirements of [LGC §43.001](#).

Property ID's: 182655, 182654, 182656, 182660, 182657

**Recommended Action**

To allow staff to move forward in creating and negotiating a written service agreement with the requestor, in continuation and forward action of the annexation process of the proposed subdivision under development and ownership of C & D Development LLC.



Exhibit A  
City of Sweeny 2025 Annexation Service Plan  
Revised March 18, 2025

### SERVICE PLAN FOR 2025 ANNEXATION AREAS

Upon annexation of the areas identified on Exhibit A, the City of Sweeny will provide City services utilizing methods by which it extends services to any other equivalent area of the City and as required by the Local Government Code, Chapter 43, Municipal Annexation. Full Municipal Services is defined within the Local Government Code §43.056 (c) as services provided by the annexing municipality within its full purpose boundaries, including water and wastewater services and excluding gas or electrical service.

### SERVICES PROVIDED BY THE EFFECTIVE DATE OF ANNEXATION

1. POLICE PROTECTION - LGC §43.056 (b)(1)

The City of Sweeny, Texas and its Police Department will provide police protection to newly annexed areas at the same or similar level of services now being provided to other areas of the City with like topography, land use, and population density as those found within the newly annexed areas. The Police Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed areas.

2. FIRE PROTECTION SERVICES - LGC §43.056 (b)(2)

The City of Sweeny, Texas and its Fire Department will provide fire protection to newly annexed areas at the same or similar level of service now being provided to other areas of the City, with like topography, land use, and population density as those found within the newly annexed areas. The Fire Department will have the responsibility to respond to all dispatched calls and requests for service or assistance within the newly annexed areas.

3. EMERGENCY MEDICAL SERVICES §43.056 (b)(3)

The City of Sweeny, Texas and the local Emergency Medical Services would provide emergency services to the newly annexed areas at the same or similar level of service now being provided to other areas of the City, with like topography, land use, and population density as those found within the newly annexed areas.

4. SOLID WASTE COLLECTION – LGC §43.056 (b)(4)

The City of Sweeny, Texas, contracts Waste Connections of Texas, LLC, to collect solid waste and refuse within the corporate limits of the City. Solid Waste collection will be provided to citizens in the newly annexed areas at the same or similar level of service now being provided to other areas of the City with the like topography, land use, and density as those found within the newly annexed areas. The City may negotiate with annexed areas to allow continued services with an existing solid waste management provider. After the second anniversary of the annexation date, the City will impose fees and provide the service. If areas with private roads and/or gates are arranged so that garbage may be collected without creating a safety hazard, the City at its discretion, may collect the garbage provided proper indemnification is received from the community association or individual property owners. The City will then impose fees and provide the service. Garbage collection locations shall be subject to the approval of Waste Connections of Texas LLC., the City's solid waste and refuse provider. In the event Waste Connections of Texas



LLC. does not collect garbage within the areas with private roads and/or gates, residents of these areas will not be billed for service after the two-year date.

**5. OPERATION AND MAINTENANCE OF WATER AND WASTEWATER FACILITIES – LGC §43.056 (b)(5)**

Any and all water or wastewater facilities owned or maintained by the City of Sweeny Public Utilities at the time of the proposed annexation shall continue to be maintained by Public Utilities. Any and all water and wastewater facilities which may be acquired subsequent to the annexation of the proposed areas shall be maintained by Public Utilities to the extent of its ownership. The now existing water and wastewater mains at existing locations shall be available for the point of use extension based upon the Public Utilities standard extension policy now existing or as may be amended. On site sewage system may be maintained in accordance with the City Code of Ordinances.

**6. MAINTENANCE OF ROADS AND STREETS AND STREET LIGHTING §43.056(b)(6)**

Any and all public roads, streets, or alleyways and street lighting shall be maintained to the same degree and extent that other public roads, streets, alleyways, or street lighting are maintained in areas of the City with like topography, land use, and density as those found within the newly annexed areas. Private roads will remain under the ownership of the homeowner's association and as such maintained by the association.

**7. OPERATION AND MAINTENANCE OF PARKS, PLAYGROUNDS, AND SWIMMING POOLS – LGC §453.056 (b) (7)**

The City of Sweeny, Texas is not aware of the existence of any publicly owned parks, playgrounds, or swimming pools now located in the proposed areas of annexation. In the event any such parks, playgrounds, or swimming pools do exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same similar level of service now being provided to other such areas and facilities within the corporate limits of the City with the like topography, land use, and density as those found within the newly annexed areas. Private facilities will remain under the ownership of the homeowner's association and as such maintained by the association.

**8. OPERATION AND MAINTENANCE OF ANY OTHER PUBLICLY OWNED FACILITY, BUILDING, OR MUNICIPAL SERVICE**

The City of Sweeny, Texas is not aware of the existence of any publicly owned facility, building, or other municipal service now located in the proposed areas of annexation. In the event any publicly owned facility, building, or other municipal services do exist and are public facilities, the City will maintain such areas and facilities to the extent and degree, and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use, and density as those found within the newly annexed areas.

**9. OTHER SERVICES**

The City of Sweeny, Texas finds and determines that such services as planning, code enforcement, animal control, library, parks and recreation, court and general administration will be made available after the effective date of annexation with the same or similar level of service now being provided to other areas of the City with similar topography, land use, and density as those found within the newly annexed areas



CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS TO BE COMPLETED WITHIN TWO AND A HALF (2 ½) YEARS, **AFTER THE EFFECTIVE DATE OF THE ANNEXATION**

**LGC §43.056 PROVISION OF SERVICES TO ANNEXED AREA**

1. **POLICE AND FIRE PROTECTION AND SOLID WASTE COLLECTION**  
The City of Sweeny, Texas finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas for the purpose of providing police protection, fire protection, emergency medical services or solid waste collection.  
The City finds and determines that it has at the present time adequate facilities and other resources to provide the same type, kind, and level of service and protection which is presently being administered to other areas already incorporated in the City of Sweeny, Texas with like topography, land use, and population density as those found within the newly annexed areas.
2. **WATER AND WASTEWATER FACILITIES**  
For the next 2 ½ years, The City of Sweeny finds and determines that there is sufficient capacity for water and wastewater to provide services to the annexed areas pursuant to Public Utilities extension policies. The construction of any capital improvements necessary to extend water and wastewater services to an annexed area will be completed pursuant to Chapter 43 of the Texas Local Government Code, as amended by the City's Code of Ordinances.
3. **ROADS AND STREETS AND STREET LIGHTING**  
The City of Sweeny, Texas finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas.
4. **MAINTENANCE OF PARKS, PLAYGROUNDS, AND SWIMMING POOLS AND ANY OTHER PUBLICLY OWNED FACILITY, BUILDING, OR SERVICE**  
The City of Sweeny, Texas finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas for the purpose of parks maintenance, playgrounds, swimming pools, and other publicly owned facility, building, or service.



**SPECIFIC FINDINGS**

The City of Sweeny, Texas finds and determines that this proposed service plan will not provide any fewer services and will not provide a lower level of service in the areas being considered for annexation that were in existence in the proposed areas at the time immediately preceding the annexation process. Given the proposed annexation area’s topography, land utilization, and population density, the service levels to be provided in the newly annexed areas will be equivalent to those provided to other areas of the City with similar characteristics.

The requirement that construction of capital improvements must be substantially be completed within the period provided in the service plan does not apply to a development project or proposed development project within an annexed area if the annexation of the area was initiated by petition or request of the owners of land in the annexed area and the municipality and the landowners have subsequently agreed in writing that the development project within that area, because of its size or projected manner of development by the developer, is not reasonable expected to be completed within that period, LGC §43.056 (e).

**TERMS**

This plan shall be valid for a term of ten (10) years. Renewal of the Service Plan is at the discretion of the City of Sweeny.

**LEVEL OF SERVICE**

Nothing in this plan shall require the City to provide a uniform level of full municipal services to each area of the City, including the annexed areas, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

**AMENDMENTS**

The plan shall not be amended unless public hearings are held in accordance with Chapter 43 of the Texas Local Government Code.

Signed and agreed upon by \_\_\_\_\_, owner of \_\_\_\_\_ (development company) for request of annexation to the property located at \_\_\_\_\_, total acreage of \_\_\_\_\_, for properties listed as: (PID)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature/ Owner of Property \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Signature/ Owner of Property \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
City of Sweeny, City Manager \_\_\_\_\_ Date \_\_\_\_\_

March 13, 2025

C & D Development LLC  
34 Nelson Ct.  
Jones Creek, TX 77541

City of Sweeny  
102 W. Ashley Wilson Road  
Sweeny, TX 77480

City of Sweeny, TX,

C & D Development LLC respectfully submits the property identified by this survey (see attached) for the consideration of annexation with the extension of City utilities into the property.

The property has the potential of 150+ home sites. We are seeking to start the first phase of development right away. First section being 23 or 44 home sites. We are still unsure which choice due to market potential.

Thank you,

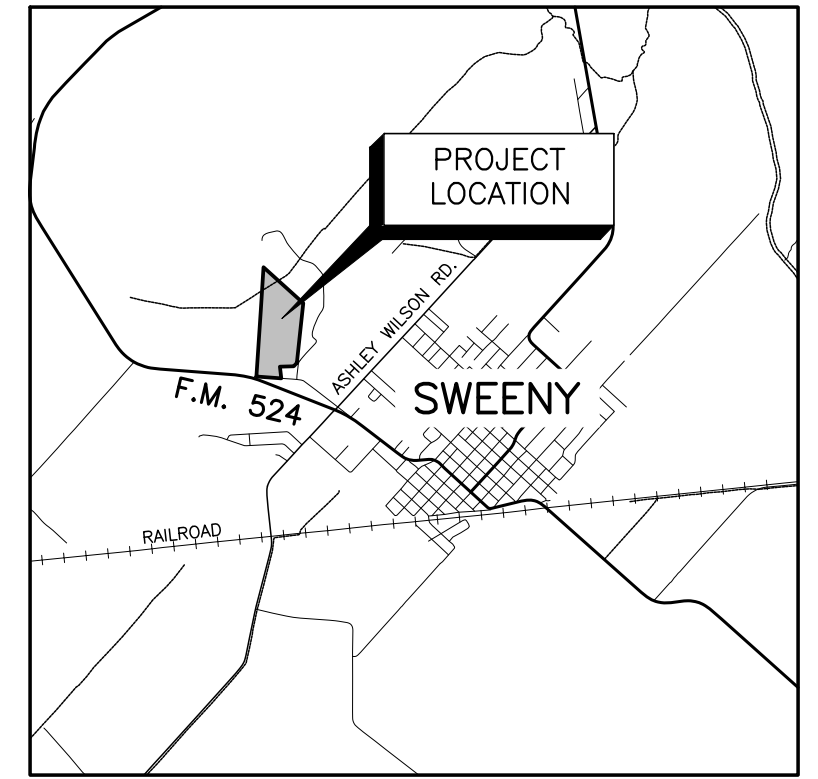


Doug Kirk



# BRAZORIA COUNTY, TEXAS

CHARLES BREEN LEAGUE  
ABSTRACT NO. 46



VICINITY MAP

### LEGEND

- O.P.R.B.C.T. = OFFICIAL PUBLIC RECORDS BRAZORIA COUNTY, TEXAS
- D.R.B.C.T. = DEED RECORDS BRAZORIA COUNTY, TEXAS
- P.R.B.C.T. = PLAT RECORDS BRAZORIA COUNTY, TEXAS
- C.C.F.N. = COUNTY CLERK'S FILE NUMBER
- VOL, PG. = VOLUME, PAGE
- = 5/8" I.R.C. SET
- = "BAKER & LAWSON" FOUND MONUMENT (AS NOTED)
- I.R. = IRON ROD
- I.R.C. = IRON ROD W/CAP
- I.P. = IRON PIPE
- C.M. = CONCRETE MONUMENT
- P.O.B. = POINT OF BEGINNING

I, DARREL HEIDRICH, DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, UNDER MY SUPERVISION AND CORRECTLY REPRESENTS THE FACTS AS FOUND, SURVEYED ON JANUARY 14, 2025.



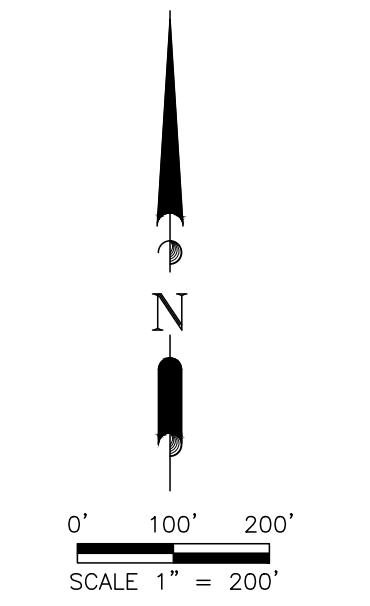
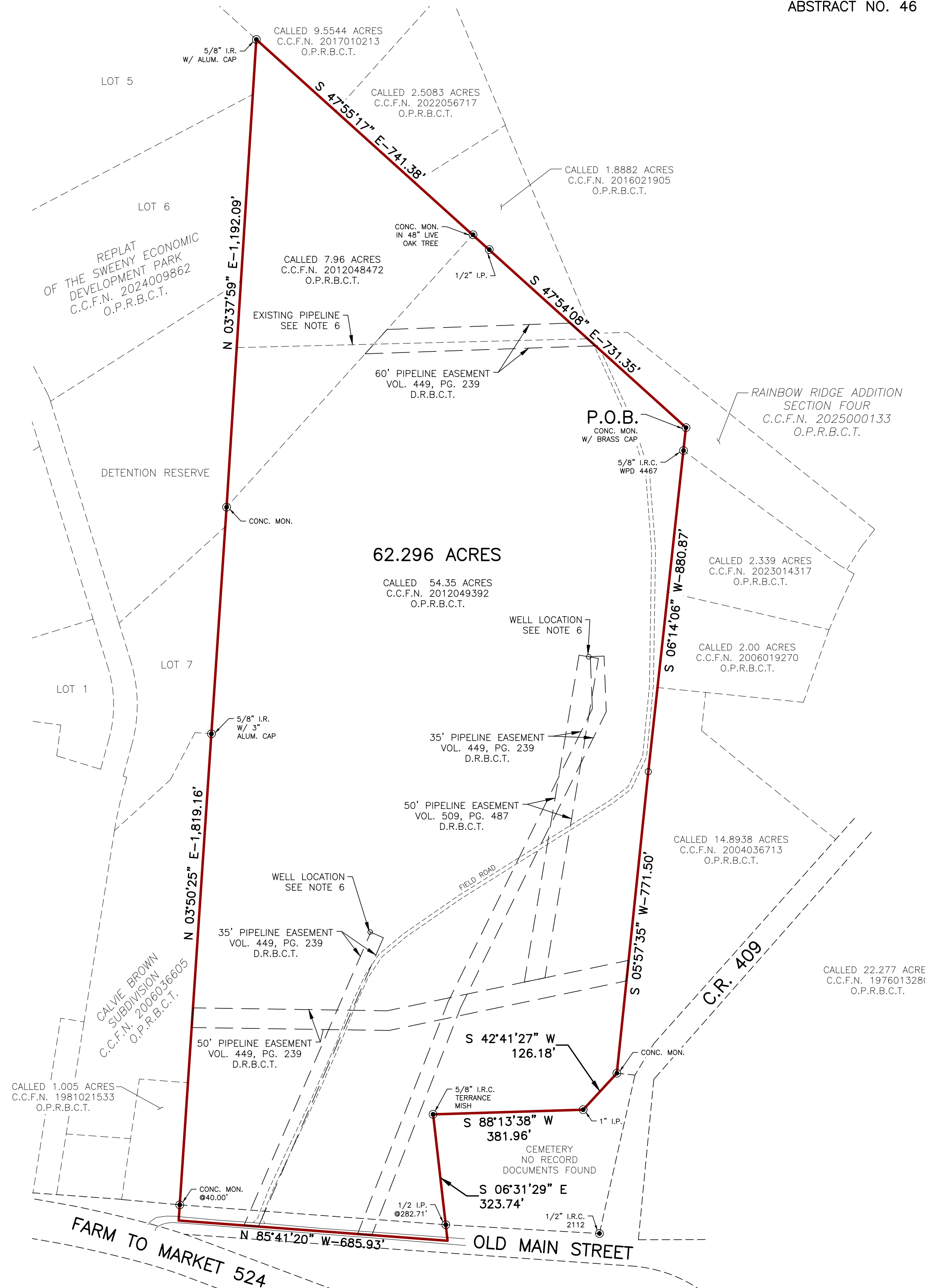
## SURVEY PLAT 62.296 ACRES

ALL OF  
**A CALLED 54.35 ACRE TRACT**  
**C.C.F.N. 2012049392**  
**O.P.R.B.C.T.**  
**&**  
**A CALLED 7.96 ACRE TRACT**  
**C.C.F.N. 2012048472**  
**O.P.R.B.C.T.**

CHARLES BREEN LEAGUE  
ABSTRACT NO. 46  
BRAZORIA COUNTY, TEXAS



Baker & Lawson Inc.  
4005 Technology Dr., Suite 1530  
Angleton, TX 77515  
Phone # 979-849-6681  
www.bakerlawson.com  
Licensed Surveying Firm No. 10052500



FOR: C & D DEVELOPMENT, LLC  
 ADDRESS: F.M. 524 SPUR 2, SWEENEY TX

TITLE COMPANY: FIDELITY NATIONAL TITLE INSURANCE COMPANY  
 COMMITMENT NO.: 2495878  
 ISSUED DATE: JANUARY 21, 2025

- TITLE COMMITMENT NOTES:
- 10e. EASEMENT TO BRAZORIA COUNTY, AS RECORDED IN VOL. 231, PG. 352, D.R.B.C.T. - NOT LOCATABLE.
  - 10f. PIPELINE EASEMENT, AS RECORDED IN VOL. 449, PG. 239 D.R.B.C.T. - PLOTTED HERON.
  - 10g. PIPELINE EASEMENT, AS RECORDED IN VOL. 509, PG. 487 D.R.B.C.T. - PLOTTED HERON.

- SURVEYORS NOTES
1. THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A COMMITMENT FOR TITLE INSURANCE REGARD TO ANY RECORDED EASEMENTS, RIGHTS-OF-WAYS, SETBACKS, RESTRICTIONS OR OTHER ENCUMBRANCES AFFECTING THE SURVEYED PROPERTY. NO ADDITIONAL RESEARCH WAS PERFORMED BY THE SURVEYOR, ANY OF THESE ITEMS MAY EXIST THAT ARE NOT SHOWN HEREON.
  2. ALL BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, (NAD83) SOUTH CENTRAL ZONE, PER GPS OBSERVATIONS.
  3. THIS SURVEY DOES NOT ADDRESS ANY MATTERS PERTAINING LEASES, GRANTS, EXCEPTIONS OR RESERVATIONS OF MINERALS OR MINERAL RIGHTS, ANY OF THESE ITEMS MAY EXIST THAT ARE NOT ADDRESSED HEREON.
  4. AN AERIAL EASEMENT MAY EXIST ADJACENT TO ANY EASEMENTS OR OVERHEAD UTILITIES.
  5. THIS SURVEY PLAT HAS BEEN PREPARED IN CONJUNCTION WITH A METES & BOUNDS DESCRIPTION OF THE SUBJECT TRACT.
  6. PIPELINES AND WELL LOCATIONS SHOWN HEREON ARE PER THE TEXAS RAILROAD COMMISSION DATABASE, THEY ARE SHOWN HEREON FOR REFERENCE ONLY AND HAVE NOT BEEN FIELD LOCATED OR VERIFIED BY SURVEYOR.
  7. SOME PIPELINE EASEMENTS SHOWN HEREON ARE CALLED TO BE TIED TO AN EXISTING WELL LOCATION. SEE NOTE 6 IN REF. TO WELL LOCATIONS SHOWN HEREON.

J:\160005\16200\16273\ENGINEERING-SURVEY\SURVEYS\BODY SURVEY\16273 LTS 62.296 AC - PLAT.DWG PLOT DATE:1/24/2025 Dheidrich

County: Brazoria County  
Project: 62.296 Acres  
Job No.: 16273

### DESCRIPTION OF 62.296 ACRES

Being a 62.296 acre tract of land located within the Charles Breen League, Abstract No. 46, Brazoria County, Texas, being all of a called 54.35 acre tract, as recorded in County Clerks File No. (C.C.F.N.) 2012049392 and a called 7.96 acre tract, as recorded in C.C.F.N. 2012048472 of the O.P.R.B.C.T., combined referred to hereafter as the above referenced tract of land, said 62.296 acre tract being more particularly described by metes and bounds as follows (bearings are based on the Texas Coordinate System of 1983, (NAD83) South Central Zone, per GPS observations):

**BEGINNING** at concrete monument with brass cap found for the Northeast corner of the above referenced tract, same being an interior corner of Rainbow Ridge Addition, Section Four, as recorded in C.C.F.N. 2025000133 of the O.P.R.B.C.T.

**THENCE** South 06°14'06" West, along the East line of the above referenced tract, same being the West line of a called 2.339 acre tract, as recorded in C.C.F.N. 2023014317 of the O.P.R.B.C.T., the West line of a called 2.00 acre tract, as recorded in C.C.F.N. 2006019270 of the O.P.R.B.C.T., the West line of a called 14.8938 acre tract, as recorded in C.C.F.N. 2004036713 of the O.P.R.B.C.T., a distance of 880.87 feet to a 5/8-inch iron rod with cap, stamped "Baker & Lawson" set for corner;

**THENCE** South 05°57'35" West, along the East line of the above referenced tract, same being the West line of said called 14.8938 acre tract, a distance of 771.50 feet to a concrete monument found for the Northerly Southeast corner of the above referenced tract;

**THENCE** South 42°41'27" West, along the South line of the above referenced tract, same being the North line of a cemetery tract, no record documents found, a distance of 126.18 feet to a 1-inch iron pipe found for a Southerly corner of the above referenced tract;

**THENCE** South 88°13'38" West, along the South line of the above referenced tract, same being the North line of said cemetery tract, a distance of 381.96 feet to a 5/8-inch iron rod with cap stamped "Terrance Mish" found for a Southerly interior corner of the above referenced tract;

**THENCE** South 06°31'29" East, along the East line of the above referenced tract, same being the West line of said cemetery tract, passing a 1/2-inch iron pipe found at a distance of 282.71 feet, continuing for a total distance of 323.74 feet to the Southeast corner of the above referenced tract, being in the Right-of-Way (R.O.W.) of Old Main Street;

**THENCE** North 85°41'20" West, along the South line of the above referenced tract, same being in the R.O.W. of said Old Main Street, a distance of 685.93 feet to the Southwest corner of the above referenced tract;

**THENCE** North 03°50'25" East, along the West line of the above referenced tract, passing a concrete monument found at a distance of 40.00 feet, continuing along the West line of the above referenced tract, and same being the East line of the Calvie Brown Subdivision, as recorded in C.C.F.N. 2006036605 of the O.P.R.B.C.T., a distance of 1,819.16 feet to a concrete monument found for corner;

**THENCE** North 03°37'59" East, along the West line of the above referenced tract, a distance of 1,192.09 feet to a 5/8-inch iron rod with aluminum cap found for the Northwest corner of the above referenced tract, same being the Northeast corner of the Replat of the Sweeny Economic Development Park, as recorded in C.C.F.N. 2024009862 of the O.P.R.B.C.T.,

**THENCE** South 47°55'17" East, along the North line of the above referenced tract, the South line of a called 9.5544 acre tract, as recorded in C.C.F.N. 2017010213 of the O.P.R.B.C.T., the South line of a called 2.5083 acre tract, as recorded in C.C.F.N. 2022056717 of the O.P.R.B.C.T., the South line of a called 1.8882 acre tract, as recorded in C.C.F.N. 2016021905 of the O.P.R.B.C.T., a distance of 741.38 feet to a concrete monument found in a 48" Live Oak Tree;

**THENCE** South 47°54'08" East, along the North line of the above referenced tract, the South line of said called 1.8882 acre tract, the South line of said Rainbow Ridge Addition, Section Four, a distance of 731.35 feet to the **POINT OF BEGINNING** of the herein described tract of land, and containing 62.296 acres of land, more or less.

The field notes of the herein described tract of land, have been prepared along with a survey plat of the subject tract.

*Darrel Heidrich* 01/24/2025

Darrel Heidrich  
Registered Professional Land Surveyor  
Texas Registration No. 5378





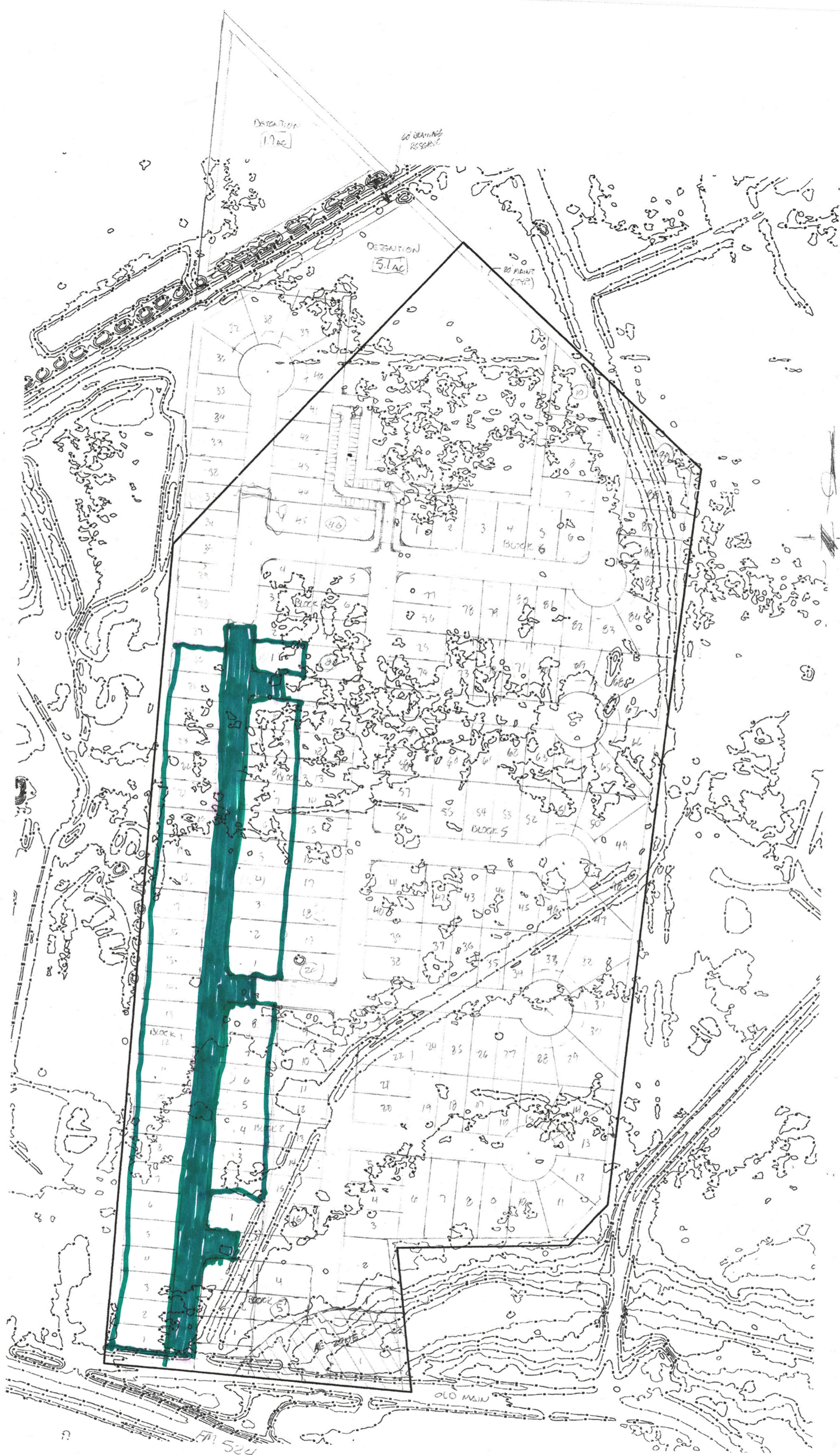
- 23
- 44
- 59
- 67

950 LF RD / 23 LOTS  
 41 LF RD / LOT = \$41,000 LOT  
 TOTAL = \$943,000  
 IF CONSTRUCTION COST FOR ROADWAYS = \$1,000 / LF

LOT COUNT (60' x 120')

Block #	LOTS
1	40
2	16
3	20
4	8
5	39
6	10
7	5
	144

60 ACRES ⇒ 3,23 lots/ac



- (23)
- (44) 44 LOTS
- (54)
- (67)

1,640 LF RD / 44 LOTS  
 37 LF RD / LOT \* 37,000 LOT  
 TOTAL \* 1,628,000

LOT COUNT (60' x 120')

Block #	LOTS
1	46
2	16
3	20
4	2
5	89
6	10
7	5
	<hr/>
	194

60 ACRES ⇒ 3.23 miles



# AGENDA MEMO

## Business of the City Council City of Sweeny, Texas

<b>Meeting Date</b>	03/25/2025	<b>Agenda Items</b>	
<b>Approved by City Manager</b>	Yes	<b>Presenter(s)</b>	City Manager/ SEDC
<b>Reviewed by City Attorney</b>		<b>Department</b>	SEDC
<b>Subject</b>	Discussion and possible action to moving the Executive Director position of the Sweeny Economic Development Corporation to a position within the City that is under the management of the City Manager.		
<b>Attachments / Supporting documents</b>	Email from SEDC Attorney		
<b>Financial Information</b>	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

### Executive Summary

The idea of moving the Executive Director position of SEDC to a position within the City, to be under the management of the City Manager has been suggested. SEDC discussed this at the last regularly scheduled EDC meeting on 03/10/2025.

Attached is information from the SEDC attorney on the requirements in order to move forward if the position were moved under the City with management by the City Manager.

### Recommended Action

To approve moving the Executive Director position of the Sweeny Economic Development Corporation to a position within the City that is under the management of the City Manager.

**Kaydi Smith**

**From:** Jenny Massey (WBJH) [REDACTED]  
**Sent:** Thursday, March 20, 2025 10:03 AM  
**To:** Kaydi Smith; City Manager; Michelle Medina; Brian Brooks  
**Subject:** Fw: FW: City Inquiry

**Importance:** High

Good morning,

Happy Thursday! Here is the response we received form our EDC lawyer on EDC director becoming a city employee.

**From:** Jenny Massey [REDACTED]  
**Sent:** Saturday, March 1, 2025 12:55 PM  
**Subject:** Fwd: City Inquiry

Good afternoon,

For your information . I have shared this requested information with the City that I received from our lawyer

Date: Fri, Feb 28, 2025, 11:45 AM  
 Subject: RE: City Inquiry  
 To: Jenny Massey [REDACTED]  
 Cc: <[citymanager@sweenytx.gov](mailto:citymanager@sweenytx.gov)>

Jenny,

I hope all is well. There is nothing directly in state law which addresses whether an executive director is a City employee or EDC employee. This issue is typically addressed in the bylaws whether employees of the EDC are City employees or EDC employees.

Years ago an issue came up with whether EDC employees could get the same City or TML benefits that City employees receive. So, a bill was passed to authorize EDC employees to get City benefits. I have attached that statute below – Section 501.067 of the Texas Local Government Code. I want to stress this bill does not require EDC personnel to be City employees or EDC employees. It simply provides authority for EDC employees to obtain City benefits if they are EDC employees.

The provision I think addresses this issue is Section 501.401 of the Texas Local Government Code (attached below). This section in pertinent part provides that the City can control the “corporation’s structure” at all times. I think that would include whether EDC personnel is City or EDC employees.

Hope this helps.

Thanks, Jeff

**Sec. 501.067. INSURANCE AND BENEFITS.**

(a) Notwithstanding any law to the contrary and with the consent of the corporation's authorizing unit, a corporation may obtain:

- (1) health benefits coverage, liability coverage, workers' compensation coverage, and property coverage under the authorizing unit's insurance policies, through self-funded coverage, or under coverage provided under an interlocal agreement with a political subdivision; or
- (2) retirement benefits under a retirement program the authorizing unit participates in or operates.
- (b) Health benefits coverage may be extended to the corporation's directors and employees, and to the dependents of the directors and employees.
- (c) Workers' compensation benefits may be extended to the corporation's directors, employees, and volunteers.
- (d) Liability coverage may be extended to protect the corporation and the corporation's directors and employees.
- (e) Retirement benefits may be extended to the corporation's employees.

Added by Acts 2007, 80th Leg., R.S., Ch. 885 (H.B. [2278](#)), Sec. 3.01, eff. April 1, 2009.

**Sec. 501.401. ALTERATION OR TERMINATION BY AUTHORIZING UNIT.**

- (a) At any time a corporation's authorizing unit, in its sole discretion, may in accordance with this subtitle:
  - (1) alter the corporation's structure, organization, programs, or activities; or
  - (2) terminate the existence of the corporation.
- (b) The authority of an authorizing unit under this section is limited only by the law of this state on the impairment of contracts entered into by the corporation.
- (c) An authorizing unit may make an alteration or may terminate the corporation's existence only by a written resolution of the authorizing unit's governing body.

Added by Acts 2007, 80th Leg., R.S., Ch. 885 (H.B. [2278](#)), Sec. 3.01, eff. April 1, 2009.

**Subject:** City Inquiry

Good evening,

Happy Wednesday! As the EDC president, I am sending this email to inquire on the correct verbiage to share with the City of Sweeny lawyer with the possibility of our EDC director becoming a City of Sweeny employee. The City of Sweeny lawyer does not think this can happen and might be against law.

Can you please provide us the correct verbiage and any references that can support the EDC Diector possibility of being employed by the city.

This information would be greatly appreciated for the next City council meeting.

Have a Blessed week,  
Jenny Massey, M.Ed

**Please be aware.**  
This email originated from a mailbox outside of your organization.





**AGENDA MEMO**  
 Business of the City Council  
 City of Sweeny, Texas

<b>Meeting Date</b>	03/25/2025	<b>Agenda Items</b>	
<b>Approved by City Manager</b>		<b>Presenter(s)</b>	City Manager
<b>Reviewed by City Attorney</b>		<b>Department</b>	Building Department/Fire Code
<b>Subject</b>	Discussion and possible action to Knox Box requirements, policies, and procedures of control.		
<b>Attachments / Supporting documents</b>	Knox Box Quote Sweeny Fire Rescue		
<b>Financial Information</b>	Expenditure Required:	\$3,100.00 estimate	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

**Executive Summary**

The City of Sweeny has adopted and follows the IFC and NFPA; §94.30. One of the regulations is that businesses are to place a safe like key box (Knox Box) on the exterior of the building to allow emergency access to the building.

These boxes are assigned to municipalities by key code, which are assigned only to that agency. The City has to get the keys to access the box from Knox corporation directly, and they are not locksmith compatible.

The issue at hand is controlling and tracking the 8 keys that Sweeny Fire and Resue have in their possession. These keys allow whoever has them, to access every building that has a Knox box in place. The Fire Chief has a plan to track 2 of the keys that would be attached to the Fire engines. It is my understanding that the Police Chief has one in his office, the Fire Marshal has one, the Fire Chief has one, and the rest are supposed to be locked in safe at the Fire Station.

This is a requirement of the City and does not apply to businesses in the County that Sweeny Fire and Rescue might be responding too.

The Council has the option to Delete that part of code that requires the box or develop a policy of key control. If we do key control, it would be my recommendation to control all 8 keys not just a few. Attached is a quote for proposed securement method of the Sweeny Fire & Rescue for approximately \$3,100.00.

Knox box requirement is under the IFC Section 506.1 & 506.2 and NFPA, Chapter 18.2.2.1.

**IFC 506.1 Where required.** Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for lifesaving or fire-fighting purposes, the *fire code official* is authorized to require a key box to be installed in an *approved* location. The key box shall be of an *approved* type listed in accordance with UL 1037, and shall contain keys to gain necessary access as required by the *fire code official*.

**506.1.1 Locks.** An *approved* lock shall be installed on gates or similar barriers where required by the *fire code official*.

**506.2 Key box maintenance.** The operator of the building shall immediately notify the *fire code official* and provide the new key where a lock is changed or rekeyed. The key to such lock shall be secured in the key box.

**NFPA Chapter 18.2.2.1** The AHJ shall have the authority to require an [access box](#)(es) to be installed in an accessible location where access to or within a structure or area is difficult because of security. The [access box](#)(es) shall be of an [approved](#) type listed in accordance with UL 1037.

If the Council wishes to delete the above portions of the code, motion will need to reflect.

If Council wishes to leave the code in effect for enforcement, policy and procedure would need to be established for control, as well as funding determined.

**Recommended Action**



**AGENDA MEMO**  
Business of the City Council  
City of Sweeny, Texas

Item 17.

Council discretion:

Motion if Council chooses to delete:

To delete Section 506 of the Adopted International Fire Code (IFC) and Chapter 18.2.2.1 of the National Fire Protection Act Line Safety Code (NFPA) under the City's Code of Ordinances, §94.30(A).

Motion if Council chooses to continue enforcement of §94.30(A) in full, requested control:

To continue to enforce §94.30 (A), requiring a key box (Knox Box) to be installed, and authorizing the City Manager to develop a policy for control and access of the keys owned by the City of Sweeny, and to allocate funds appropriately in order to acquire; total cost to secure all 8 keys is \$13,000.



Knox Company  
 1601 W Deer Valley Rd  
 Phoenix AZ 85027  
 United States

**Quote# QT-KA-61860**

**QUOTED TO:**  
 CUS00195119  
 SWEENEY CITY FIRE RESCUE  
 222 PECAN ST  
 SWEENEY TX 77480-3022  
 UNITED STATES  
 BRAZORIA

**SHIPTO:**  
 SWEENEY CITY FIRE RESCUE  
 222 PECAN ST  
 SWEENEY TX 77480-3022  
 UNITED STATES  
 BRAZORIA

Valid Through	Sales Rep	Terms	PO #	Shipping Method
7/14/2025	Eric Rohleder	PP - Prepaid		Ground Shipping < 75 LBS

Item	Description	Quantity	Units	Rate	Amount
KSM-200K1	KeySecure® 5, 1 MKEY, 1 PLUG, WIFI, ETHERNET, USB, W/ ANT.	2	EA	\$1,034.00	\$2,068.00
Installation Address: Primary System Code Role: PS-11-0475-11-08-BOXES					
KLS-MB-60	MOUNTING BRACKET 60° ANGLE, KeySecure® 5 & 6	2	EA	\$80.00	\$160.00
Installation Address: Primary System Code Role: PS-11-0475-11-08-BOXES					
SMS-1001C1	1YR. KnoxConnect™ Cloud License 1-6 devices	1	EA	\$584.00	\$584.00
Installation Address: Primary System Code Role: PS-11-0475-11-08-BOXES					

**Subtotal**            \$2,812.00  
**Tax Amount**        \$226.66  
**Shipping and Handling**    \$52.00

**Total**            \$3,090.66



QT-KA-61860

**Terms and Conditions**

All pricing is subject to change and is based on a quantity order to be shipped all at one time. Prices quoted are valid through the "Valid Through" date shown. All shipping and handling fees, if provided, are estimates based upon ground service to the address shown above. Knox will provide you a firm cost for shipping and handling fees when order is placed. Knox provides detailed installation instructions with each Knox product. However, Knox is not responsible for actual installation.

**SALES TAX DISCLAIMER:** Knox is required to collect sales tax for purchases made: in all US states/commonwealths (except DE, HI, MT, NH, and OR); in the District of Columbia; in Canada; and in other countries and other US territories/jurisdictions as mandated by local law. Where applicable, Knox will charge sales tax unless you have a valid sales tax exemption certificate on file with Knox. If you are sales tax exempt, you must provide us with an exemption certificate at the time the order is placed.

Please Submit a Completed Customer Information Form to Setup Invoicing.

Please submit a purchase order form.



## KeySecure® 6

### Electronic & Mechanical System Solution

- For use in apparatus
- Secures 1 electronic key, 1 mechanical key, 1 keywrench
- eKey only model also available



## KeySecure® 5

### Mechanical System Solution

- For use in apparatus
- Secures 2 mechanical keys, 1 keywrench
- Single-key model also available



## KeyDefender™

### Electronic & Mechanical System Solution

- For use in passenger vehicles
- Secures 1 electronic key, 1 mechanical key
- Single eKey or mechanical key options

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## KnoxDock®

### Key Activation

- Key activation, charging, and programming
- App controls key access
- Desktop use

[I agree](#)

# KeySecure 6 Features



Enables programming, configuration, and audit trail collection via KnoxConnect



Secures 1 mechanical and 1 electronic master key



Charges the electronic key



Built Knox-Rugged to withstand extreme conditions



Records key access and box openings



Connects over Wifi or Ethernet for automatic updates

## KeySecure 6 Benefits

- Retrofits seamlessly into existing Knox key control systems
- Dual-key system allows departments to easily transition to the electronic solution
- Records comprehensive key access audit trails
- Minimizes key liability

## KeySecure 6 Applications

Have peace of mind knowing the master key is secured in a visible position. Built and configured for a variety of departments:

- Public safety (fire, police, security)
- Commercial (i.e. delivery services, large business centers)
- Campus and universities
- Military

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[I agree](#)

# KeySecure 5 Features

Enables programming, configuration, and audit trail collection via KnoxConnect

Secures 1 mechanical and 1 electronic master key

Removable eKey retainer can be charged in office Item 17.



Options for automatic or manual audit trail reporting



Records key access and box openings



Concealed antenna for Wifi connectivity

## KeyDefender Benefits

- Smaller design for passenger vehicles
- Does not drain vehicle battery
- Minimizes key liability
- Modular design with the ability to remove the eKey retainer to upload eKey data and charge in an office location
- Dual-key system allows departments to easily transition to the electronic solution

## KeyDefender Applications

Have peace of mind knowing the master key is secured in a concealed retainer. Built and configured for a variety of departments:

- Public safety (fire, police, security)
- Commercial (i.e. delivery services, large business centers)
- Campus and universities
- Military

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Enables programming, configuration, and audit trail collection via cloud-based software



Options for automatic or manual audit trail reporting



Secures up to 2 mechanical master keys



Collects and reports key access



Stores up to 5,000 user pins

## KeySecure 5 Benefits

- ▣ Secures up to 2 mechanical master keys
- ▣ Records audit trail
- ▣ Enables flexibility to support shared jurisdictional access
- ▣ Reduces the liability of lost keys

## KeyDefender Features

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I agree





# AGENDA MEMO

Business of the City Council  
City of Sweeny, Texas

<b>Meeting Date</b>	03/25/2025	<b>Agenda Items</b>	
<b>Approved by City Manager</b>		<b>Presenter(s)</b>	Administration
<b>Reviewed by City Attorney</b>		<b>Department</b>	Administration / Animal Control
<b>Subject</b>	Discussion and possible action to proposed agreement with Benji's Animal Adoption Barn for animal shelter services.		
<b>Attachments / Supporting documents</b>	Proposed/Draft Agreement		
<b>Financial Information</b>	Expenditure Required:		N/A
	Amount Budgeted:		N/A
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

**Executive Summary**

Proposed agreement has been drafted by Attorney Stevenson for Council review.

If there is no opposition and/or changes to the drafted proposed by Council, the agreement will be presented to BAAB for consideration.

**Recommended Action**

If any- Council Discretion

AGREEMENT FOR ANIMAL SHELTER SERVICES PROVIDED  
BY BENJI’S ANIMAL ADOPTION BARN

THE STATE OF TEXAS     \*  
  \*  
COUNTY OF BRAZORIA    \*

This Agreement is made this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by and between THE CITY OF SWEENEY, TEXAS, a home rule municipality (hereinafter referred to as CITY), and BENJI’S ANIMAL ADOPTION BARN, a Texas nonprofit corporation (hereinafter referred to as BAAB).

Section 1. The CITY will continue to operate its existing animal shelter facility near the CITY sewer plant facility and will upgrade the facility to more readily serve its purpose. The CITY’S existing facility will continue to house animals impounded in accordance with CITY ordinances. All such impounded animals will remain in the care, custody and control of the CITY in the existing animal facility for a period of ten (10) days to comply with the owner redemption requirements for the impounded animals.

Section 2. The CITY will construct a new animal shelter facility near the existing facility to house impounded animals after the expiration of the ten (10) day period stated in Section 1. The new animal shelter facility will be leased by the CITY to BAAB for an annual rental of \$1.00. BAAB will be responsible for maintaining the facility. Upon the transfer of all animals by the CITY after the expiration of the ten (10) day period, BAAB will be the owner of all animals so transferred and will be solely responsible for the care, custody and control of the animals.

Section 3. BAAB agrees to operate the facility leased from the CITY as a dedicated shelter that provides essential care to the animals placed into its custody. BAAB agrees that it

will adopt out animals, ensure that they are spayed and neutered, vaccinated, microchipped and provided with appropriate veterinary care.

Section 4. BAAB agrees to operate a trap, neuter and release program (TNR) for feral cats in the community. This program will humanely trap the cats, provide spay and neuter services and the return the cats to their original location.

Section 5. This Agreement shall be for a term of \_\_\_\_\_ years commencing as of the date of approval by the governing bodies of both parties and shall be automatically renewed for \_\_\_\_ additional term(s) unless one party gives the other at least sixty (60) days advance written notice.

Section 6. BAAB and its employees or agents performing under this agreement are not employees or agents of the CITY and are not entitled to workman's compensation or any benefit of employment with the CITY. The CITY shall have no responsibility for providing insurance for, including workman's compensation insurance, or wages to BAAB or BAAB's employees.

Section 7: BAAB shall not assign this agreement without the previous written consent of the CITY.

Section 8: Any change or modification to this Agreement must be in writing and signed by both parties.

Section 9: In the event of non-performance or unsatisfactory performance by BAAB of any obligation of this Agreement or if BAAB is in substantial non-compliance with any of its terms, The CITY shall provide written notice to BAAB of said nonperformance or unsatisfactory performance or substantial non-compliance. Provided further, BAAB shall have ten (10) days after such notice to cure said failure or noncompliance.

Section 10: This agreement may be terminated without cause by either The CITY or BAAB upon sixty (60) days written notice.

Section 11: This agreement shall be construed and interpreted in accordance with the laws of the State of Texas.

Section 12: BAAB shall protect, indemnify, and hold the CITY harmless from and against any claim, damage, cost or liability including reasonable attorney fees, for injuries to persons or property arising from acts of omissions of BAAB, its employees or its agents arising out of BAAB'S obligations under this agreement.

CITY agrees, to the extent allowed by law, to indemnify and hold harmless BAAB from any and all claims, damages or causes of action which arise as a result of acts, omissions or negligence of the CITY, its employees or its agents arising out of the CITY'S obligations under this agreement.

Section 13. BAAB shall at all times relevant to the fulfillment of this agreement have, keep and maintain insurance covering general liability, worker's compensation if required by State law, and automobile liability in the following amounts:

- a. Worker's Compensation insurance shall be at statutory limits, including employers liability coverage at minimum limits of \$500,000.00 each accident,
- b. The general liability insurance shall have a minimum combined single limit for bodily injury, personal injury and property damage of \$1,000,000.00 per occurrence,
- c. Automobile liability insurance shall be continuously held with limits for bodily injury and for property damage of not less \$1,000,000.00 on all self propelled vehicles used in connection with the BAAB operation, whether owned, non-owned or hired.

Section 14: This agreement is to be executed in duplicate, and each duplicate shall be considered an original copy of this agreement by each party for all purposes.

Section 15: This agreement contains all the terms and conditions agreed upon by the

parties. No other understanding, oral or otherwise, regarding the subject matter of this contract shall be considered to exist or to bind any of the parties to this agreement unless otherwise stated in this agreement.

This agreement incorporates and includes all of the changes agreed by and between the parties and supersedes and replaces any oral discussions, representations, or stipulations previously entered into by the parties.

Section 16: If any provision of this agreement shall be held invalid, such invalidity shall not affect other provisions of this agreement which can be given effect without the invalid provision, and to this end the provisions of this Agreement are declared severable.

Section 17: Reasonable attorney fees shall be awarded to the prevailing party in any action to enforce this agreement or to declare forfeiture or termination of this agreement.

THE CITY OF SWEENEY

\_\_\_\_\_  
By: DAVID JORDAN, City Manager

BENJI'S ANIMAL ADOPTION BARN

\_\_\_\_\_  
By: LEIGH ANN THORNTON, President



# AGENDA MEMO

## Business of the City Council City of Sweeny, Texas

<b>Meeting Date</b>	03/25/2025	<b>Agenda Item</b>	
<b>Approved by City Manager</b>	D. Jordan	<b>Presenter(s)</b>	Brad Caudle
<b>Reviewed by City Attorney</b>		<b>Department</b>	Crime Control & Prevention District
<b>Subject</b>	Discussion and possible action to appoint a member to the Crime Control and Prevention District (CCPD).		
<b>Attachments</b>			
<b>Financial Information</b>	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

### Executive Summary

The CCPD met on 02/26/2025 and accepted the resignation letter from John Hessong, Position 4.  
 CCPD then accepted the application submitted by Joshua Bynum for Position No. 4.

This is a formality request for Council to appoint the approved applicant by CCPD as a member to the board.

**Current Members:**

- Linda Wolf; Position 1
- Woody Tolley, Position 2
- Vicki Kraemer, Position 3
- Joshua Bynum, Position 4; upon Council approval/appointment
- Larry Cisna, Position 5
- Amber Murray, Position 6
- Megan Smith, Position 7

### Recommended Action

To approve and appoint Joshua Bynum as Position No. 4 of the Crime Control and Prevention District (CCPD).

02/19/2025

To whom it may concern,

I unfortunately have come to a point in time where I no longer reside in or near the city of Sweeny and due to my work obligations and personal life pulling me away from the city more often it has become more difficult for me to continue my service on the CCPD Board. I respectfully submit this letter as my official resignation from the board, effectively immediately. I have enjoyed my time spent with the CCPD and will miss my fellow board members.

Sincerely,

*John Hessong*

John Hessong



# CITY OF SWEENY

102 W. Ashley Wilson Rd. PO Box 248 Sweeny, Texas 77480 P: (979) 548 - 3321



Item 19.

## CRIME CONTROL AND PREVENTION DISTRICT BOARD MEMBER APPLICATION

Please complete and return application to the Office of the City Secretary at:

### MISSION STATEMENT

The role and mission of the Sweeny Crime Control and Prevention District (CCPD) is to promote and develop crime reduction programs, strategies and equipment that will result in an overall decrease of the fear of crime and increase in quality-of-life issues in the City of Sweeny.

Briefly describe why you want to serve on CCPD: As a resident and pastor in the city of Sweeny I am  
interested in the city's success. One of the most obvious indicators of how well city government is functioning is the crime rate.

I have always been interested in policing and this position seems to be a natural fit by supporting the police and making my town better.

### PERSONAL INFORMATION:

Bynum  
LAST NAME

Joshua  
FIRST NAME

[REDACTED]  
DATE OF BIRTH

HOME PHONE

859-559-5048  
CELL PHONE

Clergy  
OCCUPATION

Master's  
HIGHEST LEVEL OF EDUCATION

HOME ADDRESS  
[REDACTED]  
Sweeny, Texas 77480

EMAIL ADDRESS  
joshua@sweenyfmc.org

ARE YOU A RESIDENT OF THE CITY OF SWEENY?

YES

NO

LENGTH OF RESIDENCY

1.5 years

ARE YOU A REGISTEED VOTER?

YES

NO

VOTER REGISTRATION NUMBER

[REDACTED]





# CITY OF SWEENY



Item 19.

IF YOU ARE CURRENTLY SERVING ON A CITY BOARD, COMMISSION, OR OTHER CITY-AFFILIATED ENTITY, PLEASE PROVIDE NAME OF ORGANIZATION AND LENGTH OF SERVICE.

ORGANIZATION \_\_\_\_\_

LENGTH OF SERVICE \_\_\_\_\_

**CONFLICT OF INTEREST:**

1. Do you, your spouse or your employer have any financial interest, directly or indirectly, in matters that might come before the CCPD Board?

YES

NO

2. Do you, your spouse or your employer have any financial interest, directly or indirectly, in the sale to the City of any land, materials, supplies or service?

YES

NO

**REFERENCES:**

Please provide contact information for two (2) references:

1. NAME (FIRST, LAST): Brad Caudle

PHONE NUMBER: (979) 548-3112

HOW YOU KNOW EACH OTHER: Professionally

2. NAME (FIRST, LAST): Sheri VanAvery

PHONE NUMBER: [REDACTED]

HOW YOU KNOW EACH OTHER: Church Member

[Signature]

SIGNATURE

1/6/25

DATE

By signing above, you certify that all information on this form is complete and represented accurately. The applicant further authorizes the City Council, or its designee, to perform a criminal history check as deemed necessary for appointment to a board and commission or for subsequent service. The applicant agrees to release and hold harmless the City from all claims incident to the verification of information contained herein. All information provided is considered public pursuant to the Texas Public Information Act.



# AGENDA MEMO

## Business of the City Council City of Sweeny, Texas

<b>Meeting Date</b>	03/18/2025	<b>Agenda Items</b>	
<b>Approved by City Manager</b>		<b>Presenter(s)</b>	Karla Wilson
<b>Reviewed by City Attorney</b>		<b>Department</b>	Finance
<b>Subject</b>	Membership in Texas SmartBuy purchasing cooperative		
<b>Council Strategic Goals</b>	Government Sustainability: Protect City's Financial Integrity		
<b>Attachments / Supporting documents</b>	Texas SmartBuy Membership Program Resolution		
<b>Financial Information</b>	Expenditure Required:		\$100
	Amount Budgeted:		None
	Account Number:		50-20-6725
	Additional Appropriation Required:		
	Additional Account Number:		

### Executive Summary

Certain products required for the Police Department need to be purchased through the Texas SmartBuy purchasing cooperative. Membership will allow purchase options for other goods, also. Membership requires an annual \$100 cost recovery fee.

### Recommended Action

Adopt the Texas SmartBuy Membership Program Resolution.



# Texas SmartBuy Membership Program

## Resolution

State of Texas, County of Brazoria  
*(County Entity Located In)*

Whereas, the Texas Comptroller of Public Accounts is authorized to provide purchasing services for local governments **pursuant to §§271.082 and 271.083 of the Local Government Code.**

Whereas, the City Council  
*(Enter Board of Directors, City Council, Commissioner's Court, School Board, etc..)*

of City of Sweeny  
*(Enter Name of Qualified Applicant/Entity)*, is a:

**(Check One of the Following)**

<input type="radio"/> Appraisal District	<input type="radio"/> Charter/Academy School
<input type="radio"/> Community Supervision/Corrections Department	<input type="radio"/> Council of Governments/Planning Commissions
<input type="radio"/> County	<input type="radio"/> Education Service Center
<input type="radio"/> Fire Prevention District	<input type="radio"/> Hospital District
<input type="radio"/> Judicial District	<input type="radio"/> Junior/Community College
<input type="radio"/> Library District	<input type="radio"/> Mental Health/Mental Disability Organization
<input checked="" type="radio"/> Municipality	<input type="radio"/> School District
<input type="radio"/> State-funded Assistance Organization	<input type="radio"/> Texas Rising Star Care Provider
<input type="radio"/> Special District	<input type="radio"/> Utility District
<input type="radio"/> Emergency Service	<input type="radio"/> Drainage
<input type="radio"/> Housing	<input type="radio"/> Municipal
<input type="radio"/> Political Subdivision	<input type="radio"/> Special
<input type="radio"/> Port or Transportation Authority	
<input type="radio"/> Workforce Development Board	

defined as an entity qualified to participate in the Texas SmartBuy Membership Program of the Texas Comptroller of Public Accounts pursuant to §271.081 of the Local Government Code.

David Jordan, City Manager and  
Primary Contact and Title

Karla Wilson, Finance Director  
Secondary Contact and Title

is/are authorized to execute all documentation for City of Sweeny pertaining to its participation in the  
*(Entity Name)*

Texas Comptroller of Public Accounts Cooperative Purchasing Program; and

Whereas, City of Sweeny acknowledges its obligation to pay annual participation fees established by the  
*(Entity Name)*

Texas Comptroller of Public Accounts.

Now, Therefore Be it Resolved, that request be made to the Texas Comptroller of Public Accounts to approve  
City of Sweeny for participation in the Texas Comptroller of Public Accounts Cooperative Purchasing Program.  
*(Entity Name)*

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by \_\_\_\_\_  
*(Entity Name)*

By: \_\_\_\_\_  
Signature of Chair Printed Name and Title of Chair

\_\_\_\_\_  
Signature of Primary Contact Printed Name and Title of Primary Contact

\_\_\_\_\_  
Signature of Secondary Contact Printed Name and Title of Secondary Contact





# AGENDA MEMO

## Business of the City Council City of Sweeny, Texas

<b>Meeting Date</b>	03/25/2025	<b>Agenda Items</b>	
<b>Approved by City Manager</b>		<b>Presenter(s)</b>	Administration
<b>Reviewed by City Attorney</b>		<b>Department</b>	Grants
<b>Subject</b>	Discussion and possible action to approve the procurement policies and procedures for actions to be funded with Federal funds, pursuant to the Resilient Communities Program (RCP) grant application		
<b>Attachments / Supporting documents</b>	Procurement Policies & Procedures; RCP Overview		
<b>Financial Information</b>	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

### Executive Summary

The City has applied for a grant with the General Land Office (GLO) under the Resilient Communities Program (RCP). Upon full application submittal, it is required that the attached procurement policies and procedures be approved by the City Council that would pertain to any action to be funded with Federal funds.

The City currently has a procurement policy in place that is pursuant to state requirements of the Local Government Code §252.

This policy is strictly for the use of federal funds under the standards of the Code of Federal Requirements (CFR).

The RCP grant application is for \$300,000 for creation of a comprehensive master plan. There is no match required from the City. There is no penalty for withdrawing an application if necessary and the City would not owe any money if this were to occur. Per our prior RFP award, GrantWorks is our selected grant writer. If the grant is awarded to the City, the City would have 30 months to complete the comprehensive plan.

If Council wishes to proceed in the grant application, the Procurement Policies and Procedures would be required to be approved.

### Recommended Action

To approve the Procurement Policies and Procedures as presented in anticipation of future expenditures of federal funds.



## RESILIENT COMMUNITIES PROGRAM

Texas General Land Office  
Community Development & Revitalization

The Texas General Land Office (GLO) allocated up to \$100 million in Community Development Block Grant Mitigation (CDBG-MIT) funds for the Resilient Communities Program (RCP). The RCP will fund the development, adoption, and implementation of modern and resilient building codes and flood damage prevention ordinances to ensure that structures built within the community can withstand future hazards.

More information and the application are available  
at [recovery.texas.gov/rcp](https://recovery.texas.gov/rcp).

Communities are encouraged to also learn about RCP's companion program, the Local Hazard Mitigation Plans Program (LHMPP), which is actively accepting applications. Visit LHMPP's web page at [recovery.texas.gov/mitigation/lhmpp](https://recovery.texas.gov/mitigation/lhmpp).

### ▶ Eligibility Criteria

Applications will have a maximum of \$300,000 per applicant, first-come first-served.

At least 50% must address mitigation needs in the CDBG-MIT most impacted and distressed (MID) areas identified by the United States Department of Housing and Urban Development (HUD).

### ▶ Eligible Applicants

Units of local government (e.g., cities, counties, federally recognized tribes, and councils of governments) located in a CDBG-MIT eligible area. Entity must have legal authority to adopt and enforce the building code, zoning ordinance, land use plan, and/or comprehensive plan proposed in the RCP application.

### Planning Activities

Develop, update, adopt, and implement:

- **BUILDING CODES** that meet or exceed International Residential Code (IRC) edition 2012;
- **FLOOD DAMAGE PREVENTION ORDINANCES**
  - Must require new structures to be at least 2-feet above base flood elevation;
- **ZONING ORDINANCES**
  - based upon a land use plan or comprehensive plan; and
- Forward-looking **LAND USE PLANS** and/or **COMPREHENSIVE PLANS** that integrate hazard mitigation planning.

### Public Service Activities

Activities leading to an increase in community knowledge and/or the National Flood Insurance Program's voluntary Community Rating System's (CRS) incentive program.

Examples include education and outreach campaigns that alert communities and beneficiaries to mitigation opportunities and best practices.

Public Service activities must meet a HUD national objective.

### ▶ Technical Assistance

RCP staff is available to assist potential applicants with understanding how the program can best assist in meeting the needs of the community with regard to mitigation activities, such as modern building code adoption, that increase the resilience and reduce the likelihood of losses of life and property from future disasters.

 RCP Contact information: (512) 770-4900

 [rcp.glo@recovery.texas.gov](mailto:rcp.glo@recovery.texas.gov)



## CITY OF SWEENY

### PROCUREMENT POLICIES AND PROCEDURES

The City of Sweeny follows the procurement standards in 2 CFR 200.317 – 2CFR 200.327 and Appendix II to Part 200 for procurement actions to be funded with Federal funds. All attempts are made to adhere to these policies and procedures and updates are made as needed. The entirety of the language found in 2 CFR 200.317 – 2 CFR 200.327 may not be applicable in all instances, programs, and/or situations. This document contains the most current 2 CFR 200.317 – 2 CFR 200.327 language available at the adoption of these policies and procedures.

#### Procurement Standards

##### § 200.317 Procurements by States and Indian Tribes.

When conducting procurement transactions under a Federal award, a State or Indian Tribe must follow the same policies and procedures it uses for procurements with non-Federal funds. If such policies and procedures do not exist, States and Indian Tribes must follow the procurement standards in [§§ 200.318](#) through [200.327](#). In addition to its own policies and procedures, a State or Indian Tribe must also comply with the following procurement standards: [§§ 200.321](#), [200.322](#), [200.323](#), and [200.327](#). All other recipients and subrecipients, including subrecipients of a State or Indian Tribe, must follow the procurement standards in [§§ 200.318](#) through [200.327](#).

##### § 200.318 General procurement standards.

(a) **Documented procurement procedures.** The recipient or subrecipient must maintain and use documented procedures for procurement transactions under a Federal award or subaward, including for acquisition of property or services. These documented procurement procedures must be consistent with State, local, and tribal laws and regulations and the standards identified in [§§ 200.317](#) through [200.327](#).

(b) **Oversight of contractors.** Recipients and subrecipients must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. See also [§ 200.501\(h\)](#).

##### (c) **Conflicts of interest.**

(1) The recipient or subrecipient must 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. No employee, officer, agent, or board member with a real or apparent conflict of interest may participate in the selection, award, or administration of a contract supported by the Federal award. A conflict of interest includes when the employee, officer, agent, or board member, any member of their immediate family, their partner, or an organization that 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 an



entity considered for a contract. An employee, officer, agent, and board member of the recipient or subrecipient may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors. However, the recipient or subrecipient may set standards for situations where the financial interest is not substantial or a gift is an unsolicited item of nominal value. The recipient's or subrecipient's standards of conduct must also provide for disciplinary actions to be applied for violations by its employees, officers, agents, or board members.

(2) If the recipient or subrecipient has a parent, affiliate, or subsidiary organization that is not a State, local government, or Indian Tribe, the recipient or subrecipient must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest mean that because of relationships with a parent company, affiliate, or subsidiary organization, the recipient or subrecipient is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.

(d) **Avoidance of unnecessary or duplicative items.** The recipient's or subrecipient's procedures must avoid the acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. When appropriate, an analysis should be made between leasing and purchasing property or equipment to determine the most economical approach.

(e) **Procurement arrangements using strategic sourcing.** When appropriate for the procurement or use of common or shared goods and services, recipients and subrecipients are encouraged to enter into State and local intergovernmental agreements or inter-entity agreements for procurement transactions. These or similar procurement arrangements using strategic sourcing may foster greater economy and efficiency. Documented procurement actions of this type (using strategic sourcing, shared services, and other similar procurement arrangements) will meet the competition requirements of this part.

(f) **Use of excess and surplus Federal property.** The recipient or subrecipient is encouraged to use excess and surplus Federal property instead of purchasing new equipment and property when it is feasible and reduces project costs.

(g) **Use of value engineering clauses.** When practical, the recipient or subrecipient is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering means analyzing each contract item or task to ensure its essential function is provided at the overall lowest cost.

(h) **Responsible contractors.** The recipient or subrecipient must award contracts only to responsible contractors that possess the ability to perform successfully under the terms and conditions of a proposed contract. The recipient or subrecipient must consider contractor integrity, public policy compliance, proper classification of employees (see the Fair Labor Standards Act, [29 U.S.C. 201](#), chapter 8), past performance record, and financial and technical resources when conducting a procurement transaction. See also [§ 200.214](#).



(i) **Procurement records.** The recipient or subrecipient must maintain records sufficient to detail the history of each procurement transaction. These records must include the rationale for the procurement method, contract type selection, contractor selection or rejection, and the basis for the contract price.

(j) **Time-and-materials type contracts.**

(1) The recipient or subrecipient may use a time-and-materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time-and-materials type contract means a contract whose cost to a recipient or subrecipient is the sum of:

- (i) The actual cost of materials; and
- (ii) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

(2) Because this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the recipient or subrecipient awarding such a contract must assert a high degree of oversight to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

(k) **Settlement of contractual and administrative issues.** The recipient or subrecipient is responsible for the settlement of all contractual and administrative issues arising out of its procurement transactions. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the recipient or subrecipient of any contractual responsibilities under its contracts. The Federal agency will not substitute its judgment for that of the recipient or subrecipient unless the matter is primarily a Federal concern. The recipient or subrecipient must report violations of law to the Federal, State, or local authority with proper jurisdiction.

(l) **Examples of labor and employment practices.**

(1) The procurement standards in this subpart do not prohibit recipients or subrecipients from:

- (i) Using Project Labor Agreements (PLAs) or similar forms of pre-hire collective bargaining agreements;
- (ii) Requiring construction contractors to use hiring preferences or goals for people residing in high-poverty areas, disadvantaged communities as defined by the Justice40 Initiative (see OMB Memorandum M-21-28), or high-unemployment census tracts within a region no smaller than the county where a federally funded construction project is located.





The hiring preferences or goals should be consistent with the policies and procedures of the recipient or subrecipient, and must not prohibit interstate hiring;

(iii) Requiring a contractor to use hiring preferences or goals for individuals with barriers to employment (as defined in section 3 of the Workforce Innovation and Opportunity Act ([29 U.S.C. 3102\(24\)](#)), including women and people from underserved communities as defined by Executive Order 14091;

(iv) Using agreements intended to ensure uninterrupted delivery of services; using agreements intended to ensure community benefits; or

(v) Offering employees of a predecessor contractor rights of first refusal under a new contract.

(2) Recipients and subrecipients may use the practices listed in paragraph (1) if consistent with the U.S. Constitution, applicable Federal statutes and regulations, the objectives and purposes of the applicable Federal financial assistance program, and other requirements of this part.

## § 200.319 Competition.

(a) All procurement transactions under the Federal award must be conducted in a manner that provides full and open competition and is consistent with the standards of this section and [§ 200.320](#).

(b) To ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids must be excluded from competing on those procurements.

(c) Examples of situations that may restrict competition include, but are not limited to:

(1) Placing unreasonable requirements on firms for them to qualify to do business;

(2) Requiring unnecessary experience and excessive bonding;

(3) Noncompetitive pricing practices between firms or between affiliated companies;

(4) Noncompetitive contracts to consultants that are on retainer contracts;

(5) Organizational conflicts of interest;

(6) Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and

(7) Any arbitrary action in the procurement process.



(d) The recipient or subrecipient must have written procedures for procurement transactions. These procedures must ensure that all solicitations:

(1) Are made in accordance with [§ 200.319\(b\)](#);

(2) Incorporate a clear and accurate description of the technical requirements for the property, equipment, or service being procured. The description may include a statement of the qualitative nature of the property, equipment, or service to be procured. When necessary, the description must provide minimum essential characteristics and standards to which the property, equipment, or service must conform. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to clearly and accurately describe the technical requirements, a “brand name or equivalent” description of features may be used to provide procurement requirements. The specific features of the named brand must be clearly stated; and

(3) Identify any additional requirements which the offerors must fulfill and all other factors that will be used in evaluating bids or proposals.

(e) The recipient or subrecipient must ensure that all prequalified lists of persons, firms, or products used in procurement transactions are current and include enough qualified sources to ensure maximum open competition. When establishing or amending prequalified lists, the recipient or subrecipient must consider objective factors that evaluate price and cost to maximize competition. The recipient or subrecipient must not preclude potential bidders from qualifying during the solicitation period.

(f) To the extent consistent with established practices and legal requirements applicable to the recipient or subrecipient, this subpart does not prohibit recipients or subrecipients from developing written procedures for procurement transactions that incorporate a scoring mechanism that rewards bidders that commit to specific numbers and types of U.S. jobs, minimum compensation, benefits, on-the-job-training for employees making work products or providing services on a contract, and other worker protections. This subpart also does not prohibit recipients and subrecipients from making inquiries of bidders about these subjects and assessing the responses. Any scoring mechanism must be consistent with the U.S. Constitution, applicable Federal statutes and regulations, and the terms and conditions of the Federal award.

(g) Noncompetitive procurements can only be awarded in accordance with [§ 200.320\(c\)](#).

## **§ 200.320 Procurement methods.**

There are three types of procurement methods described in this section: informal procurement methods (for micro-purchases and simplified acquisitions); formal procurement methods (through sealed bids or proposals); and noncompetitive procurement methods. For any of these methods, the recipient or subrecipient must maintain and use documented procurement procedures, consistent with the standards of this section and [§§ 200.317, 200.318, and 200.319](#).



(a) **Informal procurement methods for small purchases.** These procurement methods expedite the completion of transactions, minimize administrative burdens, and reduce costs. Informal procurement methods may be used when the value of the procurement transaction under the Federal award does not exceed the simplified acquisition threshold as defined in [§ 200.1](#). Recipients and subrecipients may also establish a lower threshold. Informal procurement methods include:

(1) **Micro-purchases** —

(i) **Distribution.** The aggregate amount of the procurement transaction does not exceed the micro-purchase threshold defined in [§ 200.1](#). To the extent practicable, the recipient or subrecipient should distribute micro-purchases equitably among qualified suppliers.

(ii) **Micro-purchase awards.** Micro-purchases may be awarded without soliciting competitive price or rate quotations if the recipient or subrecipient considers the price reasonable based on research, experience, purchase history, or other information; and maintains documents to support its conclusion. Purchase cards may be used as a method of payment for micro-purchases.

(iii) **Micro-purchase thresholds.** The recipient or subrecipient is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures. The micro-purchase threshold used by the recipient or subrecipient must be authorized or not prohibited under State, local, or tribal laws or regulations. The recipient or subrecipient may establish a threshold higher than the Federal threshold established in the Federal Acquisition Regulations (FAR) in accordance with [paragraphs \(a\)\(1\)\(iv\)](#) and [\(v\)](#) of this section.

(iv) **Recipient or subrecipient increase to the micro-purchase threshold up to \$50,000.** The recipient or subrecipient may establish a threshold higher than the micro-purchase threshold identified in the FAR in accordance with the requirements of this section. The recipient or subrecipient may self-certify a threshold up to \$50,000 on an annual basis and must maintain documentation to be made available to the Federal agency or pass-through entity and auditors in accordance with [§ 200.334](#). The self-certification must include a justification, clear identification of the threshold, and supporting documentation of any of the following:

(A) A qualification as a low-risk auditee, in accordance with the criteria in [§ 200.520](#) for the most recent audit;

(B) An annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or,

(C) For public institutions, a higher threshold is consistent with State law.

(v) **Recipient or subrecipient increase to the micro-purchase threshold over \$50,000.** Micro-purchase thresholds higher than \$50,000 must be approved by the cognizant agency



for indirect costs. The recipient or subrecipient must submit a request that includes the requirements in [paragraph \(a\)\(1\)\(iv\)](#) of this section. The increased threshold is valid until any factor that was relied on in the establishment and rationale of the threshold changes.

(2) **Simplified acquisitions** —

(i) **Simplified acquisition procedures.** The aggregate dollar amount of the procurement transaction is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold. If simplified acquisition procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources. Unless specified by the Federal agency, the recipient or subrecipient may exercise judgment in determining what number is adequate.

(ii) **Simplified acquisition thresholds.** The recipient or subrecipient is responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk, and its documented procurement procedures, which may be lower than, but must not exceed, the threshold established in the FAR.

(b) **Formal procurement methods.** Formal procurement methods are required when the value of the procurement transaction under a Federal award exceeds the simplified acquisition threshold of the recipient or subrecipient. Formal procurement methods are competitive and require public notice. The following formal methods of procurement are used for procurement transactions above the simplified acquisition threshold determined by the recipient or subrecipient in accordance with [paragraph \(a\)\(2\)\(ii\)](#) of this section:

(1) **Sealed bids.** This is a procurement method in which bids are publicly solicited through an invitation and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid conforms with all the material terms and conditions of the invitation and is the lowest in price. The sealed bids procurement method is preferred for procuring construction services.

(i) For sealed bidding to be feasible, the following conditions should be present:

- (A) A complete, adequate, and realistic specification or purchase description is available;
- (B) Two or more responsible bidders have been identified as willing and able to compete effectively for the business; and
- (C) The procurement lends itself to a firm-fixed-price contract, and the selection of the successful bidder can be made principally based on price.

(ii) If sealed bids are used, the following requirements apply:

- (A) Bids must be solicited from an adequate number of qualified sources, providing them with sufficient response time prior to the date set for opening the bids. Unless specified by the Federal agency, the recipient or subrecipient may exercise judgment in



determining what number is adequate. For local governments, the invitation for bids must be publicly advertised.

(B) The invitation for bids must define the items or services with specific information, including any required specifications, for the bidder to properly respond;

(C) All bids will be opened at the time and place prescribed in the invitation for bids. For local governments, the bids must be opened publicly.

(D) A firm-fixed-price contract is awarded in writing to the lowest responsive bid and responsible bidder. When specified in the invitation for bids, factors such as discounts, transportation cost, and life-cycle costs must be considered in determining which bid is the lowest. Payment discounts must only be used to determine the low bid when the recipient or subrecipient determines they are a valid factor based on prior experience.

(E) The recipient or subrecipient must document and provide a justification for all bids it rejects.

(2) **Proposals.** This is a procurement method used when conditions are not appropriate for using sealed bids. This procurement method may result in either a fixed-price or cost-reimbursement contract. They are awarded in accordance with the following requirements:

(i) Requests for proposals require public notice, and all evaluation factors and their relative importance must be identified. Proposals must be solicited from multiple qualified entities. To the maximum extent practicable, any proposals submitted in response to the public notice must be considered.

(ii) The recipient or subrecipient must have written procedures for conducting technical evaluations and making selections.

(iii) Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the recipient or subrecipient considering price and other factors; and

(iv) The recipient or subrecipient may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby the offeror's qualifications are evaluated, and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where the price is not used as a selection factor, can only be used to procure architectural/engineering (A/E) professional services. The method may not be used to purchase other services provided by A/E firms that are a potential source to perform the proposed effort.

(c) **Noncompetitive procurement.** There are specific circumstances in which the recipient or subrecipient may use a noncompetitive procurement method. The noncompetitive procurement method may only be used if one of the following circumstances applies:



- (1) The aggregate amount of the procurement transaction does not exceed the micro-purchase threshold (see [paragraph \(a\)\(1\)](#) of this section);
- (2) The procurement transaction can only be fulfilled by a single source;
- (3) The public exigency or emergency for the requirement will not permit a delay resulting from providing public notice of a competitive solicitation;
- (4) The recipient or subrecipient requests in writing to use a noncompetitive procurement method, and the Federal agency or pass-through entity provides written approval; or
- (5) After soliciting several sources, competition is determined inadequate.

**§ 200.321 Contracting with small businesses, minority businesses, women's business enterprises, veteran-owned businesses, and labor surplus area firms.**

(a) When possible, the recipient or subrecipient should ensure that small businesses, minority businesses, women's business enterprises, veteran-owned businesses, and labor surplus area firms (See U.S. Department of Labor's list) are considered as set forth below.

(b) Such consideration means:

- (1) These business types are included on solicitation lists;
- (2) These business types are solicited whenever they are deemed eligible as potential sources;
- (3) Dividing procurement transactions into separate procurements to permit maximum participation by these business types;
- (4) Establishing delivery schedules (for example, the percentage of an order to be delivered by a given date of each month) that encourage participation by these business types;
- (5) Utilizing organizations such as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- (6) Requiring a contractor under a Federal award to apply this section to subcontracts.

**§ 200.322 Domestic preferences for procurements.**

(a) The recipient or subrecipient should, to the greatest extent practicable and consistent with law, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards, contracts, and purchase orders under Federal awards.



(b) For purposes of this section:

(1) "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

(2) "Manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

(c) Federal agencies providing Federal financial assistance for infrastructure projects must implement the Buy America preferences set forth in [2 CFR part 184](#).

### **§ 200.323 Procurement of recovered materials.**

(a) A recipient or subrecipient that is a State agency or agency of a political subdivision of a State and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 as amended, [42 U.S.C. 6962](#). The requirements of Section 6002 include procuring only items designated in the guidelines of the Environmental Protection Agency (EPA) at [40 CFR part 247](#) that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

(b) The recipient or subrecipient should, to the greatest extent practicable and consistent with law, purchase, acquire, or use products and services that can be reused, refurbished, or recycled; contain recycled content, are biobased, or are energy and water efficient; and are sustainable. This may include purchasing compostable items and other products and services that reduce the use of single-use plastic products. See Executive Order 14057, section 101, Policy.

### **§ 200.324 Contract cost and price.**

(a) The recipient or subrecipient must perform a cost or price analysis for every procurement transaction, including contract modifications, in excess of the simplified acquisition threshold. The method and degree of analysis conducted depend on the facts surrounding the particular procurement transaction. For example, the recipient or subrecipient should consider potential workforce impacts in their analysis if the procurement transaction will displace public sector employees. However, as a starting point, the recipient or subrecipient must make independent estimates before receiving bids or proposals.



(b) Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that the costs incurred or cost estimates included in negotiated prices would be allowable for the recipient or subrecipient under [subpart E of this part](#). The recipient or subrecipient may reference its own cost principles as long as they comply with [subpart E of this part](#).

(c) The recipient or subrecipient must not use the “cost plus a percentage of cost” and “percentage of construction costs” methods of contracting.

### § 200.325 Federal agency or pass-through entity review.

(a) The Federal agency or pass-through entity may review the technical specifications of proposed procurements under the Federal award if the Federal agency or pass-through entity believes the review is needed to ensure that the item or service specified is the one being proposed for acquisition. The recipient or subrecipient must submit the technical specifications of proposed procurements when requested by the Federal agency or pass-through entity. This review should take place prior to the time the specifications are incorporated into a solicitation document. When the recipient or subrecipient desires to accomplish the review after a solicitation has been developed, the Federal agency or pass-through entity may still review the specifications. In those cases, the review should be limited to the technical aspects of the proposed purchase.

(b) When requested, the recipient or subrecipient must provide procurement documents (such as requests for proposals, invitations for bids, or independent cost estimates) to the Federal agency or pass-through entity for pre-procurement review. The Federal agency or pass-through entity may conduct a pre-procurement review when:

(1) The recipient's or subrecipient's procurement procedures or operation fails to comply with the procurement standards in this part;

(2) The procurement is expected to exceed the simplified acquisition threshold and is to be awarded without competition, or only one bid is expected to be received in response to a solicitation;

(3) The procurement is expected to exceed the simplified acquisition threshold and specifies a “brand name” product;

(4) The procurement is expected to exceed the simplified acquisition threshold, and a sealed bid procurement is to be awarded to an entity other than the apparent low bidder; or

(5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the simplified acquisition threshold.

(c) The recipient or subrecipient is exempt from the pre-procurement review in [paragraph \(b\)](#) of this section if the Federal agency or pass-through entity determines that its procurement systems comply with the standards of this part.





(1) The recipient or subrecipient may request that the Federal agency or pass-through entity review its procurement system to determine whether it meets these standards for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding and third-party contracts are awarded regularly.

(2) The recipient or subrecipient may self-certify its procurement system. However, self-certification does not limit the Federal agency's or pass-through entity's right to review the system. Under a self-certification procedure, the Federal agency or pass-through entity may rely on written assurances from the recipient or subrecipient that it is complying with the standards of this part. The recipient or subrecipient must cite specific policies, procedures, regulations, or standards as complying with these requirements and have its system available for review.

### **§ 200.326 Bonding requirements.**

The Federal agency or pass-through entity may accept the recipient's or subrecipient's bonding policy and requirements for construction or facility improvement contracts or subcontracts exceeding the simplified acquisition threshold. Before doing so, the Federal agency or pass-through entity must determine that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows:

- (a) A bid guarantee from each bidder equivalent to five percent of the bid price. The bid guarantee must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute any required contractual documents within the specified timeframe.
- (b) A performance bond on the contractor's part for 100 percent of the contract price. A performance bond is a bond executed in connection with a contract to secure the fulfillment of all the contractor's requirements under a contract.
- (c) A payment bond on the contractor's part for 100 percent of the contract price. A payment bond is a bond executed in connection with a contract to assure payment as required by the law of all persons supplying labor and material in the execution of the work provided for under a contract.

### **§ 200.327 Contract provisions.**

The recipient's or subrecipient's contracts must contain the applicable provisions described in [Appendix II of this part](#).



## Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

- (A)** Contracts for more than the simplified acquisition threshold, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by [41 U.S.C. 1908](#), must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.
- (B)** All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.
- (C)** Equal Employment Opportunity. Except as otherwise provided under [41 CFR Part 60](#), all contracts that meet the definition of “federally assisted construction contract” in [41 CFR Part 60-1.3](#) must include the equal opportunity clause provided under [41 CFR 60-1.4\(b\)](#), in accordance with [Executive Order 11246](#), “Equal Employment Opportunity” ([30 FR 12319](#), 12935, [3 CFR Part, 1964-1965 Comp.](#), p. 339), as amended by [Executive Order 11375](#), “Amending [Executive Order 11246](#) Relating to Equal Employment Opportunity,” and implementing regulations at [41 CFR part 60](#), “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”
- (D)** [Davis-Bacon Act](#), as amended ([40 U.S.C. 3141-3148](#)). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the [Davis-Bacon Act](#) ([40 U.S.C. 3141-3144](#), and [3146-3148](#)) as supplemented by Department of Labor regulations ([29 CFR Part 5](#), “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act ([40 U.S.C. 3145](#)), as supplemented by Department of Labor regulations ([29 CFR Part 3](#), “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.



**(E) [Contract Work Hours and Safety Standards Act \(40 U.S.C. 3701-3708\)](#).** Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with [40 U.S.C. 3702](#) and [3704](#), as supplemented by Department of Labor regulations ([29 CFR Part 5](#)). Under [40 U.S.C. 3702](#) of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of [40 U.S.C. 3704](#) are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

**(F) Rights to Inventions Made Under a Contract or Agreement.** If the Federal award meets the definition of “funding agreement” under [37 CFR § 401.2](#) (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of [37 CFR Part 401](#), “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

**(G) [Clean Air Act \(42 U.S.C. 7401-7671q.\)](#) and the [Federal Water Pollution Control Act \(33 U.S.C. 1251-1387\)](#),** as amended - Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the [Clean Air Act \(42 U.S.C. 7401-7671q\)](#) and the [Federal Water Pollution Control Act](#) as amended ([33 U.S.C. 1251-1387](#)). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

**(H) Debarment and Suspension (Executive Orders 12549 and 12689)** - A contract award (see [2 CFR 180.220](#)) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at [2 CFR 180](#) that implement Executive Orders 12549 ([3 CFR part 1986](#) Comp., p. 189) and 12689 ([3 CFR part 1989](#) Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than [Executive Order 12549](#).

**(I) Byrd Anti-Lobbying Amendment ([31 U.S.C. 1352](#))** - Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any



# CITY OF SWEENY

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other award covered by [31 U.S.C. 1352](#). Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(J) See [§ 200.323](#)\*

(K) See [§ 200.216](#)\*\*

(L) See [§ 200.322](#)\*\*\*



**\*§ 200.323 Procurement of recovered materials.**

A [non-Federal entity](#) that is a [state](#) agency or agency of a political subdivision of a [state](#) and its [contractors](#) must comply with section 6002 of the [Solid Waste Disposal Act](#), as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at [40 CFR part 247](#) that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

**\*\*§ 200.216 Prohibition on certain telecommunications and video surveillance services or equipment.**

(a) [Recipients](#) and sub [recipients](#) are prohibited from obligating or expending [loan](#) or grant funds to:

(1) Procure or obtain;

(2) Extend or renew a [contract](#) to procure or obtain; or

(3) Enter into a [contract](#) (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in [Public Law 115-232](#), section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any [subsidiary](#) or affiliate of such entities).

(i) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any [subsidiary](#) or affiliate of such entities).

(ii) Telecommunications or video surveillance services provided by such entities or using such equipment.

(iii) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

(b) In implementing the prohibition under [Public Law 115-232](#), section 889, subsection (f), paragraph (1), heads of executive agencies administering [loan](#), grant, or subsidy programs shall prioritize available funding and technical support to assist affected businesses, institutions and organizations as is reasonably necessary for those affected entities to transition from covered communications equipment and services, to procure replacement equipment and services, and to ensure that communications service to users and customers is sustained.



# CITY OF SWEENY

Item 21.

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(c) See [Public Law 115-232](#), section 889 for additional information.

(d) See also [§ 200.471](#).



**\*\*\*§ 200.322 Domestic preferences for procurements.**

(a) As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.

(b) For purposes of this section:

(1) "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

(2) "Manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

These Policies and Procedures are passed and approved through the City of Sweeny through the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
City Manager David Jordan  
City of Sweeny



# AGENDA MEMO

Business of the City Council  
City of Sweeny, Texas

<b>Meeting Date</b>	03/25/2025	<b>Agenda Items</b>	
<b>Approved by City Manager</b>		<b>Presenter(s)</b>	Administration
<b>Reviewed by City Attorney</b>		<b>Department</b>	Developmental Services
<b>Subject</b>	Discussion and possible action to repeal Chapter 114 of the City's Code of Ordinances; Municipal Registration of Construction Contractors		
<b>Attachments / Supporting documents</b>	Ord. 25-103		
<b>Financial Information</b>	Expenditure Required:		\$300 Estimated
	Amount Budgeted:		N/A
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

### Executive Summary

Pursuant to the discussion at the Special Workshop on 03/08/2025, the attached ordinance is to repeal the municipal registration of construction contractors.

Staff would still confirm all state licensing as per the TDLR and/or TSPBE website upon permit request.

### Recommended Action

To Approve Ordinance 25-103, repealing Chapter 114 of the City's Code of Ordinances for Municipal Registration of Construction Contractors.



ORDINANCE NO. 25-103

AN ORDINANCE OF THE CITY OF SWEENY, TEXAS, REPEALING CHAPTER 114 OF THE CODE OF ORDINANCES OF THE CITY PERTAINING TO REGISTRATION OF CONSTRUCTION CONTRACTORS; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE AT THE DATE OF ITS PASSAGE.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SWEENY, TEXAS:**

Section 1:

Ordinance No. 106-08, codified as Chapter 114 of the Code of Ordinances of the City of Sweeny, Texas, providing for municipal registration of construction contractors operating within the City of Sweeny, is hereby repealed.

Section 2:

This ordinance shall be effective from and after its passage.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
DUSTY HOPKINS, Mayor of the City of Sweeny, Texas

ATTEST:

\_\_\_\_\_  
KAYDI SMITH, City Secretary



# AGENDA MEMO

## Business of the City Council City of Sweeny, Texas

<b>Meeting Date</b>	03/25/2025	<b>Agenda Items</b>	
<b>Approved by City Manager</b>	Yes	<b>Presenter(s)</b>	Administration
<b>Reviewed by City Attorney</b>	Yes	<b>Department</b>	Zoning
<b>Subject</b>	Discussion and possible action to amend the R2 and R2B zones of Exhibit A of the Zoning Ordinance, Chapter 155.		
<b>Attachments / Supporting documents</b>			
<b>Financial Information</b>	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

### Executive Summary

At the 03/08/2025 Council Workshop, the discussion of allowing a smaller sized dwelling on designated “key lots” was suggested. An amendment to the ordinance to create an exception within each zone (R2 and R2B) to specify that any already individually platted lots, designated as “key lots”, that are approximately 25’ x 75’ (1875 total sq.ft.), would be allowed to build a single family dwelling that meets the required building codes and setbacks as indicated and required by ordinance.

By adding as an exception within the already created residential zones, this would allow staff to review plans and confirm adherence to the zoning requirements, just as any other normal residential dwelling plan submittal.

If you took the 25’x75’ lot and used the same setbacks already within the zone, the maximum sizing of a dwelling for R2 would be 35’x10’=350 sq.ft. For R2B it would be 15’x45’=450 sq.ft.

Staff is looking for specific information and direction to complete an ordinance amendment if approved by Council.

- Council would need to define a “key lot”.
- Council would need to designate the minimum size requirement.
- Would we still keep the same setbacks within the R2 & R2B zones for a dwelling on the key lot?
- Would they both adhere to the setback requirements of an R2B zone? OR do you want to create their own setbacks for the exception?
- Would a one car carport and/or garage be required?

**Current Zoning**

	<b><u>R2</u></b>	<b><u>R2B</u></b>
Front	25 feet	15 feet
Side	15 total, no less than 5 ft any one side	5 feet each side
Rear	15 feet	15 feet
Side Street (would not apply to a designated key lot)		
Current Min. living area	1200 square feet	800 square feet
Max allowable dwelling per key lot size, with already determined setbacks per zone in which lot is situated.	350 square feet	450 square feet

### Recommended Action

If Council wants to continue: To approve amending the zoning ordinance, Chapter 155, Exhibit A to add an exception within our residential zoned lots of R2 & R2B pertaining to key lots.

If Council does not want to continue, no action is needed.



**ZONING \***

**Article I. In General**

- Sec. 110-1. General purpose
- Sec. 110-2. Definitions
- Sec. 110-3. Administration generally
- Sec. 110-4. Interim zoning of newly annexed territory
- Sec. 110-5. Permanent zoning of new territory
- Sec. 110-6. Amendments
- Sec. 110-7. Advertising costs.
- Sec. 110-8. Nonconforming uses.
- Sec. 110-9. Building permits.
- Sec. 110-10. Special permits.
- Sec. 110-11. External lighting
- Sec. 110-12. Certificate of occupancy.
- Sec. 110-13. Penalty
- Secs.110-14 – 110-35.Reserve.

**Article II. Board of Adjustment**

- Sec. 110-36. Powers, duties generally
- Sec. 110-37. Composition, compensation
- Sec. 110-38. Appointment, terms; ex officio members
- Sec. 110-39. Officers; rules of procedure
- Sec. 110-40. Appeals
- Sec. 110-41. Conduct of hearings.
- Sec. 110-42. Special exceptions to chapter not under board's jurisdiction
- Sec. 110-43. Scope of cases.
- Secs. 110-44 –110-65. Reserved

**Article III. Zone Regulations**

- Sec. 110-66. Establishment of zones
- Sec. 110-67. E-1, single- family residence, estates
- Sec. 110-68. R-1, single - family residence
- Sec. 110-69. R-2, single - family residence
- Sec. 110-69.1 R-2A, single- family residence
- Sec. 110-69.2 R-2B, single- family residence
- Sec. 110-70. R-3, two-family residence
- Sec. 110-71. R-4, multifamily residence
- Sec. 110-72. B-1, neighborhood business
- Sec. 110-73. B-1A, professional offices
- Sec. 110-74. B-2, central business
- Sec. 110.75. B-3, institutional zone.
- Sec. 110-76. C-1, commercial
- Sec. 110-77. C-2, commercial
- Sec. 110-78. M-1, light industrial.

- Sec. 110-79. M-2 heavy industrial
- Sec. 110-80. T-1, single-family residence, townhouse
- Sec. 110-81. PUD, planned unit development
- Sec. 110-82. PURZ, planned unit residential zone
- Sec. 110-83. MH-1, Mobile Home Park
- Sec. 110-84. MH-2, manufactured homes
- Sec. 110-85. Exceptions
- Secs. 110-86 -- 110-105. Reserved

**\*Charter references – Sec. 10.13. Boards, Agencies, and Commissions.** The City Council shall have the authority to establish by ordinance such boards, agencies, and commissions as it may deem necessary or desirable for the conduct of the City’s business and the management of its affairs.

**Cross references** – Streets and Sidewalks, chapter 91; Animals, chapter 95; Business Regulations, chapter 110; Building Regulations, Construction, chapter 150; Man. Homes and Home Parks, Rec. Vehicle Parks, chapter 151; Subdivisions, chapter 152.

**State law reference** – Municipal zoning authority V. T. C. A. Local Government Code §§ 211.002, 211.006, 211.007.

#### **Article IV. Planned Unit Development**

- Sec. 110-106. Generally
- Sec. 110-107. Purpose
- Sec. 110-108. Application.
- Sec. 110-109. Application for classification.
- Sec. 110-110. Review of plat; recordation; changes.
- Sec. 110-111. Design standards.
- Sec. 110-112. -- 110-130 Reserved.

#### **Article V. Planned Unit Residential Zone**

- Sec. 110-131. Intent.
- Sec. 110-132. Definitions.
- Sec. 110-133. Purpose.
- Sec. 110-134. Objectives.
- Sec. 110-135. Application of article.
- Sec. 110-136. Permitted uses.
- Sec. 110-137. Standards and criteria.
- Sec. 110-138. Application for approval.
- Sec. 110-139. Public hearing.
- Sec. 110-140. Final plan and recordation.
- Secs. 110-141 -- 110-160. Reserved.

#### **Article VI. Supplementary Regulations**

- Sec. 110-161. customary home occupations.
- Sec. 110-162. Parking requirements.
- Sec. 110-163. Loading requirements.
- Sec. 110-164. Mining, excavation, soil removal.
- Sec. 110-165. Number of main buildings -- Residential.
- Sec. 110-166. Same -- Nonresidential.

- Sec. 110-167. Same -- Facing streets.
- Sec. 110-168. Screening.
- Sec. 110-169. Permits for multiple buildings.
- Sec. 110-170. Height restrictions generally.
- Sec. 110-171. Sight-obstruction at intersections.
- Sec. 110-172. Fences --When required.
- Sec. 110-173. Same -- Construction at intersections.
- Sec. 110-174. Surfacing of off-street parking areas.
- Sec. 110-175. Lot widths.
- Sec. 110-176. Tents in business and commercial zones.
- Sec. 110-177. Screen enclosures.
- Sec. 110-178. Design limitations.
- Sec. 110-179-- 110-195. Reserved.

### **Article VII. Airport Zoning**

- Sec. 110-196. Airport zoning.

## **ARTICLE I IN GENERAL**

### **Sec. 110-1. General Purpose.**

The purpose of this chapter shall be to:

1. Promote the desirable development of all land.
2. Protect the desirable development.
3. Promote stability of development.
4. Enhance and protect building and land values.
5. Protect the public health and general welfare.

**State law reference** -- Zoning regulations to be designed to carry out certain planning purposes, V.T.C.A., Local Government Code § 211.004.

### **Sec. 110-2. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning. Words in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular. The word "shall" is mandatory and not discretionary; the word "may" is permissive.

**Accessory building** means a building subordinate to the principal building on a lot. Where a wall or portion of a wall is common to the principal building or when the roof is attached to the principal building, the accessory building shall be counted as part of the principal building.

**Accessory use** means land and /or building uses which are allowed in a zone only when they are clearly subordinate to and in conjunction with a permitted use.

**Apartment hotel** means a building with three (3) or more apartments and with the dining and cooking facilities separate.

**Apartment house or rooming house** means a building with three (3) or more apartments and without separate dining or cooking facilities.

**Boardinghouse** means a building other than a hotel, apartment hotel or apartment house where lodging with meals is offered for compensation.

**Building** means any structure built for the support, shelter, or enclosure of persons, animals, chattels or movable property.

**Building line** means a line, usually parallel to street or property line, beyond which buildings shall not be erected. Once a building is legally erected under the provisions of this chapter, the front of the building shall be considered to be the building line for that building for the purpose of determining placement of all fences, except ornamental fences as outlined in section 110-171.

**Bungalow court** means a development consisting of two (2) or more one-family or two-family dwellings on a single tract where the building may face onto a courtyard or mall rather than on the street.

**Church** means a facility principally used for people to gather together for public worship, religious training, or other religious activities. This includes monasteries, convents, rectories, etc. This does not include home meetings or other religious activities conducted in a privately occupied residence.

**Common area** means an area held, designed and designated principally for the common use of the occupants of a townhouse project.

**Conditional uses** means land and / or building uses which, because they may generate special problems such as excessive traffic, excessive noise or other conditions, may in certain cases prove undesirable for a certain zone. Each must be treated separately, and each must attain approval of the planning commission. The approval of one conditional use in a zone does not mean that this becomes a permitted use.

**Customary home occupants** means an occupation which may be conducted in the home without changing the character of the residential use and which is incidental and secondary to the residential use. See section 110-161.

**Day care facility** means a facility that is licensed or registered with the state which regularly provides care for persons less than twenty-four (24) hours a day.

**Duplex.** See *Dwelling, two-family*.

**Dwelling, one-family.** means a detached building having accommodation for and occupied by not more than one (1) family.

**Dwelling, two-family.** means a detached building having separate accommodations for and occupied by not more than two (2) families.

**Family** means any number of persons related by blood, adoption or marriage living together on the premises as a single housekeeping unit, or not more than two (2) persons unrelated by blood, adoption or marriage, or not more than three (3) exchange students or missionaries unrelated by blood, adoption or marriage, or any number of persons permitted or required under the Fair Housing Act of 1988; or more than two (2) persons but less than five (5) persons unrelated by blood, adoption or marriage who live together for a period of six (6) months or less.

**Floor area** means the total horizontal area of the several floors of a structure covered by a roof, exclusive of garages, stoops, carports and unenclosed porches; same as *living area*.

**Gross floor area** means the total horizontal area of the several floors of a structure covered by a roof, inclusive of garages, stoops, carports, unenclosed porches and other similar areas.

**Height of building** means the distance from average grade or curbs level to the highest point of the roof, but not including chimneys, towers, spires and the like.

**Hotels** means a building containing rooms intended or designed to be used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building or in an accessory building.

**Incidental livestock** means livestock, not including pigs or goats, and poultry kept for the use of or the consumption by the occupants of the lot; provided however, that no corrals, stables, chicken houses or their yards shall be located closer than fifty (50) feet from any property line, and that they shall comply with the sanitary regulations; and that the number of livestock and poultry and their manner of keeping do not constitute a nuisance to the neighborhood.

**Living area** means gross horizontal areas of the several floors of a structure covered by a roof exclusive of garages, carports and unenclosed porches; same as *floor area*.

**Lot frontage** means the width of the lot at either front line or building line, whichever is greater.

**Lot line** means the boundaries of any lot as described on the subdivision plat.

**Motel** has the same definition as *Hotel*.

**Playfield or stadium** means an athletic facility or stadium owned and operated by a public or private agency for the general public including a baseball field, golf course, football field or stadium.

**Private yard** means an area of open space within a townhouse but which is unoccupied and unobstructed by any portion of a structure.

**Recreation center** means a building or complex of buildings housing community recreation facilities.

**Religious institution** means any place of worship for the carrying on of religious activities which consists of one (1) or more permanent buildings.



**Service shops** means bakeries, beauty shops, restaurants, laundry agency, washateria, shoe repair, gasoline service, etc., but excluding auto repair, bus terminals, machinery repair and welding.

**Setback** means a minimum yard dimension measured from the lot line to the building or other structure.

**Street right - of - way** means property either conveyed or dedicated to the public for use as a public street.

**Structure** means any object that is erected, constructed or installed by man that requires location in or on the ground or attachment to something having location on the ground having a definite pattern of organization, including buildings, the construction of buildings or accessory buildings, decks, decking or swimming pools, spas, hot tubs, saunas and other similar constructions or installations.

**Supervised living facility** means a facility that provides care, training, education, custody, treatment, or supervision for more than six (6) persons who are not related by blood, marriage, or adoption to the owner or operator of the facility, for all or part of the twenty-four day, whether or not the facility is operated for profit or charges for the services it offers. This includes physical therapy centers, orphanages, youth homes, convalescent homes, etc. This does not include day care centers.

**Townhouse** means a dwelling unit structure having a separate wall with one (1) or more adjoining dwelling unit structures.

**Townhouse group** means for (4) to ten (10) contiguous townhouses connected by common walls.

**Townhouse project** means a townhouse development or plan which is submitted and approved by a single special permit.

#### **Cross reference -- Definitions generally, § 1-2.**

#### **Section 110-3. Administration generally.**

(a) *Enforcing officials.* The provisions of this chapter shall be administered and enforced by the building official of the city.

(b) *Right of entry.* The building official or any duty authorized person shall have the right to enter upon any premises necessary to carry out his duties in the enforcement of this chapter.

(c) *Stop orders.* Whenever any building work is being done contrary to provisions of this chapter, the building official may order the work stopped by notice in writing served on any person engaged in doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the building official to proceed with the work.

(d) *Furnishing utilities.* No person or public utility shall furnish water, gas, or electric energy to, nor make connection with, any building in the city which has been erected or structurally altered, unless and until such person or public utility shall have received from the building official,

city secretary or city council notification that such erection or structural alteration of such building complies with the ordinances of the city.

**Cross reference** -- Administration, ch. 2.

**State law reference** -- Enforcement of zoning ordinance, V.T.C.A., Local Government Code § 211.012.

**Sec. 110-4. Interim zoning of newly annexed territory.**

(a) No permit of the construction of a building shall be issued by the building official in a territory where an ordinance has passed on the first reading, annexing same to the city, other than a permit which will allow the construction of a building permitted to be constructed in what is defined as R-1 single-family residence as defined in section 110-68. An application for any other use other than that specified herein above shall be made to the building official and by him referred to the planning commission which acts as the zoning commission on the designation by the council for a consideration and recommendation to the city council. Whenever such recommendation is filed with the city council by the planning commission, such classification and such recommendation shall be advisory in its nature and the council shall be at liberty to affirm it or allow such construction as the facts in their opinion may justify.

(b) No existing building in a territory where an ordinance has been passed on first reading, annexing the same to the city, not at that time lawfully used for business purposes, shall be altered, remodeled or constructed for business purposes without a permit from the city council. This permit shall be obtained under the same procedure set out in subsection (a) of this section.

(c) The owner, lessees, or any other person owning, controlling, constructing, or directing the construction of any building or structure now in process of construction and which is incomplete at the time the land upon which it is situated is covered in an ordinance passed on first reading, annexing same to the city, before proceeding any further with the construction, alteration or completion thereof, shall apply to the building official for a permit authorizing further work on such building or structure and shall attach to such application for such permit plans and specifications relating to the construction of such building, or structure, which such application for building permit shall be promptly referred to the planning commission for consideration and the commission shall promptly thereafter file with the council its recommendation as to granting, modifying or rejecting such permit, the recommendation to be advisory, as stated in subsection (a) of this section. Such construction work shall be suspended until the permit provided for in this section has been issued, or until final zoning regulations have been adopted with permit for the construction, use and occupancy of the structure or building.

**Sec. 110-5. Permanent zoning of new territory.**

The permanent zoning of newly annexed territory shall be handled in the same manner as amendments to the zoning ordinance provided under section 110-6 and the subsections there under.

**Sec. 110-6. Amendments.**

(a) *Requirements for change.* Whenever the public necessity, convenience, general welfare or good zoning practice justifies such action, and after consideration by the city council, city

planning commission, zoning board of adjustment or the joint consideration of the planning commission and the city council, or by a petition by one (1) or more of the owners, optionees or lessees of property within the area proposed to be changed, the zoning of any specific property in the city may be changed pursuant to the provisions of this section.

(b) *Initiation of change.* A proposed change of zone may be initiated by the city council, city planning commission, zoning board of adjustment, or by a petition by one (1) or more of the owners, optionees or lessees of property within the area proposed to be changed.

(c) *Changing ordinance; public hearing required.* At any regularly scheduled meeting of the planning commission, the owners, optionees or lessees of property who desire a change of zone may appear and request that a public hearing be called to consider their petition. The city council may at any time request that the planning commission hold a special hearing to consider zoning matters. Written notice of all public hearings before the planning commission on proposed changes in classification shall be sent to owners of real property lying within two hundred (200) feet of the property on which the change in classification is proposed, such notice to be given not less than ten (10) days before the date set for hearing to all such owners who have rendered their property for city taxes as the ownership appears on the last approved city tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the city post office. Where property lying within two hundred (200) feet of the property proposed to be changed is located in territory which was annexed to the city after final date for making the renditions which are included on the last approved city tax roll, notice to such owners shall be given by publication in the manner provided in subsection (d) of this section, the city council may hold a public hearing jointly with the planning commission, but after such joint hearing, the city council shall not take any action until it has received the final report of the planning commission. The city council shall, however, be able to call and hold a public hearing on its own to consider, approve or disapprove request for changes whenever a majority of the entire council deem it necessary or appropriate, and a report from the planning commission may also meet in its own capacity to hold public hearings, when required under this Code. The city planning commission may approve or disapprove any proposed change either in whole or part. If approved in whole or part, a recommendation in conformity with such approved change, shall be presented to the city council and an ordinance approving such a change in whole or in part may be adopted by the council after a public hearing. If such proposed change is disapproved by the city planning commission, a report of its decision shall be made to the city council. The city council may then review the decision of the planning commission. If the city council is in favor of the proposed change it may, after a public hearing, make such change in such ordinance by a majority of the entire membership of the city council. A joint public hearing by the planning commission and the city council shall satisfy this requirement.

(d) *Notice of public hearing by city council or by planning commission.* Notice of a public hearing by the city council or by the planning commission to consider proposed changes to this chapter shall be given by publication in the official paper of the city once a week for three (3) consecutive weeks. Such notice shall state the time, place and nature of such public hearing and such hearing shall not be held earlier than fifteen (15) days from the date of the first publication of such notice.

(e) *Passage of rezoning ordinance where written protest filed.* In case, however, of a written protest against such change, signed by the owners of twenty (20) percent or more either of the area of the lots or land included in such proposed change, or of the lots or land immediately adjoining the same and extending two hundred (200) feet from, such amendment shall not become effective except by the favorable vote of three-fifths (3/5) of all members of the city council. The

provisions of subsection (d) relative to public hearing and official notice shall apply equally to all changes or amendments.

(f) *Restrictions.* Any prior deed restrictions or other prior restrictions placed on any lot or land that is the subject of a zoning change request shall be disclosed to the city planning commission and to the city council by the land owner or optionee of land, when a change is requested by such owner or optionee. Any restriction on land or lots which was agreed to by the owner or optionee of property at the time the change of zone is approved by the city council shall be entered in the council minutes as a part of the permanent record. If the land is undeveloped, the restriction shall be placed in the plat at the time of plat approval by the planning commission. A violation of this subsection constitutes a misdemeanor and shall be punishable in accordance with section 110-12.

**State law reference** -- Procedures for amending zoning ordinance, V.T.C.A., Local Government Code §§ 211.002, 211.006, 211.007.

**Sec. 110-7. Advertising costs.**

Persons applying for variances, conditional uses or zoning amendments must pay for the cost of advertising for such requests.

**Sec. 110-8. Nonconforming uses.**

Any use or structure existing at the time of enactment of this Zoning Ordinance or subsequent amendment of this chapter, but not in conformity with its provisions, may be continued with the following limitations. Any use or building which does not conform to this chapter may not be:

- (1) Changed to another conforming use;
- (2) Reestablished after discontinuance for six (6) months;
- (3) Extended except in conformity to this chapter; or

(4) Rebuilt after damage exceeding 51% of its fair sales value immediately prior to damage. Except for existing residential homes in the Commercial Zones on Second and Main St. they are able to rebuild.

**Sec. 110-9. Building permits.**

(a) *Required.* It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures or to store building material or construct entrances or parking lots, commence the moving, structural alterations, conversions, extensions, enlargements, alteration or repair (except repairs consisting only of painting or wallpapering, changing the fixtures and reroofing in residential zones), of any structure, including accessory structures, until the building official has issued a building permit for such work. Permits for conditional uses must be reviewed by the city council.

(b) *Application.* Application for a building permit shall be made to the building official on forms provided for that purpose

(c) *Requirements.* The building official shall require that every application for a building permit be accompanied by one (1) copy of a plan or plot drawn to scale and showing the following in sufficient detail to enable the building official to ascertain whether the proposed excavation, construction, reconstruction or conversion, moving or alteration is in conformance with this chapter:

(1) *Lot dimensions and corners-* The actual shape, proportion and dimensions of the lot to be built upon and satisfactory evidence that actual corners of the lot are known and are established on the ground.

(2) *Proposed structures-* The shape, size, and location of all buildings or other structures to be erected, altered or moved and of any buildings or other structures already on the lot.

(3) *Use of structures-* The existing and intended use of all such buildings or other structures.

(4) *Existing yards-* The dimensions of all yards and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.

(5) *Building code-* Any other information as required by the building code.

(d) *Issuance-* If the proposed excavation, construction, moving or alteration as set forth in the application is in conformity with the provisions of this chapter the building official shall issue a building permit.

(e) *Disapproval-* If an application for a building permit is not approved, the building official shall state in writing on the application the reasons for such disapproval.

#### **Sec. 110-10. Special permits.**

The following land uses shall require approval of the planning commission instead of the building inspector because of special problems of traffic, parking safety or effect on surrounding property:

(1) Public buildings erected by city, county, state, school district, federal or any other governmental body.

(2) Airports, landing fields or airport facilities.

(3) Water reservoirs, pumping station, water towers or artesian wells.

(4) Radio or television transmitting or receiving towers taller than one hundred (100) feet, whether commercial or private.

(5) Trailer camps.

(6) Drive - in theaters.

(7) Large scale developments, including housing projects, and shopping centers, after submission to the planning commission of a site plan drawn to scale and showing the development

in detail, including such essential requirements as parking facilities, location of buildings and uses to be permitted, and means of ingress and egress.

(8) Any of those uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise, vibration and the like.

(9) Strip lighting.

**State law reference** -- Authority of local governments under Texas Clean Air Act, V.T.C.A., Health and Safety Code § 382.111 et seq.

### **Sec. 110-11. External lighting.**

(a) *Purpose:*

(1) The purpose of this section is to that outdoor lighting does not (a) interfere with the safety and welfare of the community and does not (b) interfere with or endanger the public in traveling to and from on streets, and does not (c) interfere with the reasonable use and enjoyment of property. It is also the purpose of this section to encourage outdoor electrically powered illuminating devices, lighting design practices, and systems which will conserve energy, while preserving the natural environment while increasing night time safety, utility, security, and productivity.

(b) *Outdoor illuminating devices:*

(1) Generally, artificial outdoor or extended illuminating devices shall be installed in accordance with, and when permitted by, the requirements of this section.

(c) *Outdoor illuminating devices, in nonresidential zones:*

(1) In all nonresidential zones the proposed lighting plan shall be reviewed by the city engineer and be included as part of the site plan. The owner shall stay in compliance with the lighting requirements of the site plan and shall not deviate from such requirements unless the owner receives approval from the planning commission.

(2) When a nonresidential zone is located adjacent to a residential zone, all external lighting shall be shielded to prohibit illumination at the boundary of the nonresidential zone and the residential zone in excess of one-fourth (0.25) foot-candles of average general light overflow or one-half (0.50) foot-candles at any point on such boundary. In all cases, exterior lighting shall be installed, hooded, regulated, and maintained by the owner or person in control thereof in such manner that the direct beam of any such light will not glare upon any lot, tract, or parcel of land other than that upon which it is situated.

(d) *Outdoor illuminated devices in other zones:*

(1) Lighting in R4, PUD, PURZ, or MH-1 zones shall also comply with this section.

(e) *Special permits:*

(1) Laser source light, strobe light and similar high intensity light sources for advertising or entertainment shall be prohibited in any zone, unless a permit is obtained from the building official for specific events and timeframes.

(2) Searchlights shall be prohibited in any zone, unless a permit is obtained from the building official for specific events and timeframes.

(f) *Phased in compliance.*

(1) For those tracts that have lighting that does not conform to the provisions of this section at the inception of the section, such lighting shall either be abated, removed or modified to conform with the code as determined by the city building official, within a period of two (2) years, from the effective date of this adoption of this section.

(2) After the enactment of this section, the city manager shall as soon as practicable, survey the city for lighting which does not conform to the requirements of this Code. Upon determination that lighting is nonconforming, the manager shall use reasonable efforts to so notify, in writing, the user or owner of the property on which the lighting is located of the following:

- a. The nonconformity of the lighting; and
- b. The need to conform within two (2) years, as well as the potential penalties for failure to do so. If the user or owner of the property cannot be located, the notice may be affixed in a conspicuous place to the premises with which the lighting is associated.

(g) *Exemptions:*

(1) Strip lighting approved by the planning commission under section 110-10 (9) shall be exempt from this section.

(2) Emergency lighting by police, fire, and rescue authorities is exempt from this section.

**Sec. 110-12 Certificate of occupancy.**

(a) *Required.* No change in the use or occupancy of land nor any change for use or occupancy in an existing building other than for single-family residence or for farming or gardening shall be made, nor shall any new building be occupied for any purpose other than for single-family residence use until a certificate of occupancy has been issued by the building and fire official.

(b) *Record kept by building official.* A record of all certificates of occupancy shall be kept on file in the office of the building official, and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or a building affected by such certificate of occupancy. The certificate of occupancy or a copy thereof shall be prominently displayed in the building for which it is issued.

(c) *Nonconforming uses must apply for certificates.* A certificate of occupancy shall be required for all nonconforming uses of land or buildings existing on the effective date of the Zoning Ordinance. Application for such certificate of occupancy for nonconforming uses shall be filed with the building official by the owner or lessee of the land or building occupied by such nonconforming use not later than 180 days after the effective date of the Zoning Ordinance.. It shall be the duty of the building official to issue a certificate of occupancy for nonconforming use. Failure to apply for such certificate of occupancy for nonconforming use shall be considered evidence that such nonconforming use did not exist on the effective date of the Zoning Ordinance.

**Sec. 110-13 Penalty.**

(a) Any person who shall violate any of the provisions of this chapter, or who shall build, alter, occupy or use any building or property in violation of any statement or plan submitted and approved under this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed two thousand dollars (\$2,000.00). Each day such violation shall be continued, or shall be allowed to continue to exist, shall constitute a separate offense.

(b) The owner of any building or property or part thereof where anything in violation of this chapter shall be placed or shall exist, and any architect, builder, contractor, agent, attorney, or other person employed in connection therewith and who has assisted in the commission of such violations, shall be guilty of a separate offense, and upon conviction thereof shall be fined in any sum not to exceed five hundred dollars (\$500.00).

(c) In addition to the remedies provided for in this section the enforcing officer may, in case any buildings or structures are erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this chapter, institute any appropriate action or proceedings to prevent such unlawful erection, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct or abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct of business or use in or about such premises.

**Secs. 110-14 -- 110-35. Reserved.**

**ARTICLE II - BOARD OF ADJUSTMENT \***

**Sec. 110-36. Powers, duties generally.**

The zoning board of adjustment of the city shall have all the powers and duties granted in section 10.13 of the home rule Charter of the city, as well as this article.

\* **State law references** --- Board of adjustment, V.T.C.A., Local Government Code § 211.008 et seq.; appeal to board of adjustment, V.T.C.A.; Local Government Code § 211.010.

**Sec. 110-37. Composition, compensation.**

The zoning board of adjustment shall consist of five (5) members who shall be residents of the city and who shall serve without compensation.

**Sec. 110-38. Appointment, terms; ex officio members.**

All members of the zoning board of adjustment shall be appointed by the city council. Two (2) such members to be appointed in each even - numbered years, and three (3) such members to be appointed in each odd numbered years. The appointments to be made each year within thirty (30) days following election. The term of office of each such member shall be two (2) years. In addition, a representative of the city manager or designated representative shall be an ex officio



member of the board and shall serve the board in an advisory capacity, but shall have no voting rights, and shall attend meetings as requested.

**Sec. 110-39. Officers; rules of procedure.**

A board chairman and secretary shall be elected by the board annually, and the board shall establish its own rules and procedures which shall include the following:

(1) A quorum shall consist of three (3) voting members of the board, and an affirmative vote of three (3) members of the board shall be necessary to pass upon pending questions, or to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which the board may or is required to pass under this section, the chairman being entitled to vote upon all questions.

(2) Meetings shall be held as needed.

(3) A record of all proceedings shall be kept, which records shall be filed with the person performing the duties of the city secretary.

(4) Notice of meetings of the zoning board of adjustment shall be provided to persons living within two hundred (200) feet of the property that is the subject of a variance request or an appeal from a decision of an administrative official.

**Sec. 110-40. Appeals.**

Appeals to the board of adjustment shall be taken within a reasonable time as determined by the rules of the board, complete with a notice of appeal specifying the grounds thereof. The officer, or body, from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

**Sec. 110-41. Conduct of hearings.**

The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time or thirty (30) days, whichever is less. Upon the hearing, any party may appear in person or by agent or by attorney. An applicant for a variance or an appellant from an administrative decision shall have the burden of proving that his proposed use is reasonably necessary and that it will not conflict with the public interest or adversely affect uses of adjacent and neighboring property.

**Sec. 110-42. Special exceptions to chapter not under boards jurisdiction.**

In no case shall it be appropriate for the zoning board of adjustment to hear and make special exceptions to this chapter.

**Sec. 110-43. Scope of cases.**

The cases which are appropriate for the zoning board of adjustment to hear and decide are limited to the following:

(1) Appeals from a decision of an administrative official:

- a. In the enforcement of this chapter or any ordinance adopted pursuant thereto.
- b. In the refusal of building permits for any use that is permitted by this chapter for the zone where the proposed building would occur.

(2) Variances from the terms of this chapter as will not be contrary to the public interest where there is an unusual condition and a literal enforcement of the provisions of this chapter will result in unnecessary hardship to the applicant with regard to this chapter, including:

- a. Building lines.
- b. Side line setback.
- c. Rear line setback.
- d. Front line setback.
- e. Lot size.
- f. Width or length of lots.
- g. Permitting driveways to intrude on easements.
- h. Sign size or height.
- i. Building slab heights.
- j. Home occupations.
- k. Cases in which this chapter does not permit any reasonable use of a tract or lot, not merely to accommodate the highest or best use of the property.
- l. Abatement of, extension of, or addition to a nonconforming use.

**Sec. 110-44 -- 110-65. Reserved.**

### **ARTICLE III - ZONE REGULATIONS \***

**Sec. 110-66. Establishment of zones.**

In order to carry out the provisions of this chapter, the city is hereby divided into twenty (20) zones known as:

- (1) E-1 Single - family residence, estates.
- (2) R-1 Single - family residence.
- (3) R-2 Single - family residence.
- (4) R-2A Single - family residence.
- (5) R-2B Single – family residence.
- (6) R-3 Two - family residence.
- (7) R-4 Multifamily residence.
- (8) B-1 Neighborhood business.
- (9) B-1A Professional offices.
- (10) B-2 Central business.
- (11) B-3 Institutional Zone.
- (12) C-1 Commercial.
- (13) C-2 Commercial.
- (14) M-1 Light Industrial.
- (15) M-2 Heavy Industrial.
- (16) T-1 Single - family residence, townhouse.
- (17) PURZ Planned unit residential zone.

**State law reference** -- Zoning districts, V.T.C.A. Local Government Code § 211.005.

- (18) PUD Planned unit development.
- (19) MH-1 Mobile home park.
- (20) MH-2 Manufactured home.

**Sec. 110-67. E-1, single - family residence, estates.**

The following regulations shall be applicable to the E-1, single-family residence, estates, zoning district:

(1) *Description and purpose:* The most restrictive of residential zones, composed chiefly of individual homes on relatively large lots.

- (2) *Permitted use*: One-family dwellings.
- (3) *Maximum percentage of lot be used for building*: Twenty -five (25) percent.
- (4) *Minimum living area for houses*: Two-thousand (2,000) square foot.
- (5) *Maximum height of building*: Two and one-half (2 1/2) stories.
- (6) *Minimum lot area*: One (1) acre.
- (7) *Minimum frontage of lot*: Two hundred feet (200) feet.
- (8) *Minimum lot depth*: One hundred fifty (150) feet.
- (9) *Minimum lot setback*:
  - a. From front, forty (40) feet.
  - b. From side, twenty-five (25) feet.
  - c. From rear, twenty (20) percent of depth.
  - d. Side street, twenty-five (25) feet.
- (10) *Permitted accessory uses*: Servant quarters, garden, tool and play houses, personal recreational facilities, country club and incidental livestock, customary home occupations.
- (11) *Accessory buildings*:
  - a. Height, twenty (20) feet.
  - b. Side yard setback, twenty-five (25) feet minimum.
  - c. Rear yard setback, thirty (30) feet.
  - d. Front yard setback, sixty-five (65) feet.
  - e. Maximum floor area, fifty (50) percent of main building.
  - f. Maximum number, one (1) per acre.
- (12) *Conditional uses*: Golf course, parks.
- (13) *Off-street parking*: Minimum two-space garage (see section 110-162).

**Sec. 110-68. R-1, single - family residence.**

The following regulations shall be applicable to the R-1, single - family residence, zoning district:

(1) *Description and purpose:* A highly restricted zone composed chiefly of individual homes.

(2) *Permitted use:* One - family dwelling.

(3) *Maximum percentage of lot to be used for building:* Thirty (30) percent.

(4) *Minimum living area for houses:* One thousand four hundred (1,400) square feet.

(5) *Maximum height of building:* Two and one-half (2 1/2) stories or thirty-five (35) feet.

(6) *Minimum lot area:* Fifteen thousand (15,000) square foot.

(7) *Minimum frontage of lot:* One hundred (100) feet.

(8) *Minimum depth:* One hundred fifty (150) feet.

(9) *Minimum yard setback:*

a. Front, thirty (30) feet.

b. Side, ten (10) feet.

c. Rear, fifteen (15) feet.

d. Side street, fifteen (15) feet.

(10) *Permitted accessory use:* Garden, tool and playhouses, personal recreation facilities.

(11) *Accessory building:*

a. No storage, garden, tool or playhouse shall be used as a garage.

b. Garages should meet the setback requirements as required for the principal building.

c. No garage shall exit out the back of the lot.

d. Maximum height, twenty (20) feet.

e. Maximum setback:

1. Side, five (5) feet.

2. Rear, five (5) feet or interior line of easement.

3. Front, to front of house.

f. Maximum size for storage buildings, garden, tool and playhouses, four hundred (400) square feet.

(12) *Conditional uses*: Golf course, parks.

(13) *Off-street parking*: Minimum two-space garage (see section 110-162).

**Sec. 110-69. R-2, single-family residence.**

The following regulations shall be applicable to the R-2, single-family residence, zoning district:

(1) *Description and purpose*: A medium-density zone composed primarily of individual homes.

(2) *Permitted use*: One-family dwelling.

(3) *Maximum percentage of lot to be used for buildings*: Thirty-five (35) percent.

(4) *Minimum living area for houses*: One thousand two hundred (1,200) square feet.

(5) *Maximum height of buildings*: Two and one-half (2 1/2) stories or thirty-five (35) feet.

(6) *Minimum lot area*: Eight thousand four hundred (8,400) square feet.

(7) *Minimum frontage of lot*: Sixty (60) feet for all area platted prior to Zoning Ordinance, seventy (70) feet for all areas platted subsequent to Zoning Ordinance.

(8) *Minimum lot depth*: One hundred twenty (120) feet.

(9) *Minimum yard setback*:

- a. Front, twenty-five (25) feet.
- b. Side, fifteen (15) feet total for both sides, no less than five (5) feet on any one side.
- c. Rear, fifteen (15) feet.
- d. Side street, fifteen (15) feet.

(10) *Permitted accessory use*: Garden, tool, and playhouses, personal recreation facilities.

(11) *Accessory building*:

- a. No storage, garden, tool or playhouses shall be used as a garage.
- b. Garages shall meet all the setback requirements as required for the principal building.
- c. No garage shall exit out the back of the lot.
- d. Maximum height, twenty (20) feet.

## e. Maximum setback:

1. Side, five (5) feet.
2. Rear, five (5) feet.

3. Front, to front of house Front to front of home (garage / carport can extend beyond front of home as long as meets set back requirements of the principal building)

f. Maximum size for storage buildings, garden, tool, and playhouses, 8% of lot size. Limited to 3 buildings.

(12) *Conditional uses*: Parks.

(13) *Off-street parking*: Minimum of a one car carport or a one car garage. All carports and garages must meet all setback and building requirements, if applicable, however it is provided that a carport and / or garage may extend beyond the front of the home, as long as setback and building requirements are met.

(14) Any home currently located in this zone which sustains a total loss or demolition of the structure, may be rebuilt by the owner of the property without meeting zoning requirements if the home is re-constructed using the same footprint. However, if the footprint of the home is changed in any way, the new structure would be required to meet the R2 zoning requirements set out in this ordinance.

**Sec. 110-69.1. R-2A, single-family residence:**

The following regulations shall be applicable to the R-2A, single-family residence zoning district:

(1) *Description and purpose*: A medium-density zone composed primarily of individual homes.

(2) *Permitted use*: One-family dwelling.

(3) *Maximum percentage of lot to be used for building*: Thirty- five (45) percent.

(4) *Minimum living area for houses*: One thousand (1,000) square feet.

(5) *Maximum height of buildings*: Two and one-half (2 1/2) stories or thirty-five (35) feet.

(6) *Minimum lot area*: Seven thousand two hundred (7,200) square feet.

(7) *Minimum frontage of lot*: Sixty (60) feet.

(8) *Minimum lot depth*: One hundred twenty (120) feet.

(9) *Minimum yard setback:*

- a. Front, twenty-five (25) feet.
- b. Side, five (5) feet for each side.
- c. Rear, fifteen (15) feet.
- d. Side street, fifteen (15) feet.

(10) *Permitted accessory use:* Garden, tool, and playhouses, personal recreation facilities.(11) *Accessory building:*

- a. No storage, garden, tool or playhouse shall be used as a garage.
- b. Garages shall meet all the setback requirements as required for the principal building.
- c. No garage shall exit out the back of the lot.
- d. Maximum height, twenty (20) feet.
- e. Maximum setback:
  1. Side, five (5) feet.
  2. Rear, five (5) feet or interior line of easement.
  3. Front, to front of house.
- f. Maximum size for storage buildings, garden, tool, and playhouses, four hundred (400) square feet.

(12) *Conditional uses:* Parks.(13) *Off-street parking:* Either a two-space garage or a carport type garage (See section 110-162).**Sec. 110-69.2. R-2B, single-family residence: (Lots platted prior to the date of the Ordinance or replatts of those lots platted prior to the Ordinance)**

The following regulations shall be applicable to the R-2B, single-family residence zoning district:

- (1) *Description and purpose:* A medium-density zone composed primarily of individual homes.
- (2) *Permitted use:* One-family dwelling.
- (3) *Maximum percentage of lot to be used for building:* Forty- five (45) percent.



- (4) *Minimum living area for houses*: Eight Hundred (800) square feet.
- (5) *Maximum height of buildings*: Two and one-half (2 1/2) stories or thirty-five (35) feet.
- (6) *Minimum lot area*: Five thousand (5,000) square feet.
- (7) *Minimum frontage of lot*: Fifty (50) feet.
- (8) *Minimum lot depth*: Eighty (80) feet.
- (9) *Minimum yard setback*:
- a. Front, fifteen (15) feet.
  - b. Side, five (5) feet for each side.
  - c. Rear, fifteen (15) feet.
  - d. Side street, fifteen (15) feet. It is provided however, that a side street setback of ten (10) feet will be permitted provided the lot is not located on a major street and the contemplated structure is at least sixty (60) feet from the centerline of the street located in front of the property.
- (10) *Permitted accessory use*: Garden, tool, and playhouses, personal recreation facilities.
- (11) *Accessory building*:
- a. No storage, garden, tool or playhouse shall be used as a garage.
  - b. Garages/ carports shall meet all the setback requirements as required for the principal building.
  - c. No garage / carport shall exit out the back of the lot.
  - d. Maximum height, twenty (20) feet.
  - e. Maximum setback:
    1. Side, five (5) feet.
    2. Rear, five (5) feet or interior line of easement.
    3. Front, to front of house Front to front of home (garage / carport can extend beyond front of home as long as meets set back requirements of the principal building)
  - f. Maximum size for storage buildings, garden, tool, and playhouses, 8% of lot size. Limited to 3 buildings.
- (12) *Conditional uses*: Parks.

13) *Off-street parking*: Minimum of a one car carport or a one car garage. All carports and garages must meet all setback and building requirements, if applicable, however it is provided that a carport and / or garage may extend beyond the front of the home, as long as setback and building requirements are met.

(14) Any home currently located in this zone which sustains a total loss or demolition of the structure, may be rebuilt by the owner of the property without meeting zoning requirements if the home is re-constructed using the same footprint. However, if the footprint of the home is changed in any way, the new structure would be required to meet the R2 -B zoning requirements set out in this ordinance.

**Sec. 110-70. R-3, two-family residence.**

The following regulations shall be applicable to the R-3, two-family residence, zoning district:

(1) *Description and purpose*: A two-family dwelling zone providing most of the desirable residential characteristics attributed to single-family districts. In addition to large areas appropriate for such use it has useful application as a buffer zone bordering neighborhood shopping centers.

(2) *Permitted use*: One-family dwelling, duplexes.

(3) *Maximum percentage of lot to be used for building*: Forty-five (45) percent.

(4) *Minimum living area per family*: Nine hundred (900) square feet.

(5) *Maximum height of building*: Two and one-half (2 1/2) stories or thirty-five (35) feet.

(6) *Minimum lot area*: Eight thousand five hundred (8,500) square feet.

(7) *Minimum frontage of lot*: One hundred (100) feet.

(8) *Minimum depth*: Eighty-five (85) feet.

(9) *Minimum yard setback*:

- a. Front, twenty-five (25) feet.
- b. Sides, ten (10) feet.
- c. Rear, fifteen (15) percent of depth.
- d. Side street, fifteen (15) feet.

(10) *Permitted accessory use*: Garden, tool and playhouses, personal recreation facilities.

(11) *Accessory building*:

- a. No storage, garden, tool or playhouse shall be used as a garage.
- b. Garages shall meet all the setback requirements as required for the principal building.
- c. No garage shall exit out the back of the lot.
- d. Maximum height, twenty (20) feet.
- e. Maximum setback:
1. Side, five (5) feet.
  2. Rear, five (5) feet or interior line of easement.
  3. Front, to front of house.
- f. Maximum size for storage buildings, garden, tool and playhouses, and two hundred (200) square feet.

(12) *Conditional uses*: Parks.

(13) *Off-street parking*: Minimum four (4) covered spaces (see section 110-162).

**Sec. 110.-71. R-4, multifamily residence.**

The following regulations shall be applicable to the R-4, multifamily residence, zoning district:

- (1) *Description and purpose*: A medium density zone for garden apartments, group housing and courts.
- (2) *Permitted uses*: One-family dwelling, apartment houses, duplexes, condominiums.
- (3) *Maximum percentage of lot to be used for building*: Fifty (50) percent.
- (4) *Minimum living area per family*: Four hundred fifty (450) square feet.
- (5) *Maximum height of building*: Two and one-half (2 1/2) stories or thirty-five (35) feet.
- (6) *Maximum density*: Twenty (20) units per acre
- (7) *Minimum frontage of site*: One hundred (100) feet.
- (8) *Minimum site depth*: One hundred twenty (120) feet.
- (9) *Minimum site area*: One (1) acre.
- (10) Minimum yard setback:
- a. Front, twenty-five (25) feet.

- b. Side, twenty-five (25) feet.
- c. Rear, twenty-five (25) feet.
- d. Side street, fifteen (15) feet.

(11) *Permitted accessory uses*: Garden, tool, and playhouses, personal recreation facilities, boarding houses, day nurseries, nursing homes, professional offices.

(12) *Accessory buildings*:

- a. No storage, garden, tool, or playhouse shall be used as a garage.
- b. Garages shall meet all of the setback requirements as required for principal building.
- c. No garage shall exit out the back of the lot.
- d. Maximum height, twenty (20) feet.
- e. Maximum setback:
  - 1. Side, five (5) feet.
  - 2. Rear, five (5) feet.
  - 3. Front, to front of house.
- f. Maximum size for storage building, two hundred (200) square feet.

(13) *Conditional uses*: Hospitals, clinics, membership clubs, homes for the aged, homes for orphans, funeral homes, fraternity/sorority homes, nursing homes, supervised living facilities, cemeteries.

(14) *Off-street parking*: See section 110-162.

(15) *Off-street loading*: None.

(16) *Other provisions*: All signs shall be shielded and source for steady light. No signs larger than one hundred (100) square feet, nor exceeding 4:1 height to width or width to height ratio.

**Sec. 110-72. B-1, neighborhood business.**

The following regulations shall be applicable to the B-1, neighborhood business zoning district after effective date of Zoning Ordinance.

(1) *Description and purpose*: A neighborhood shopping zone wherein retail business or selected service establishments supply commodities or services to meet the daily needs of the surrounding neighborhood, in which they are located. Uses which are not necessary to serve the neighborhood such as industrial/ business supply or service facilities such as theaters, motels or

warehouse style retail stores and automobile dealerships are not permitted in the zone unless built prior to January 1, 2000. B-1 neighborhood businesses that would be harmful to, or would adversely impact, single-family residential areas or facilities which are either hazardous, noxious or offensive to an ordinary reasonable person because of congested vehicular traffic, generation or emission of noise, vibration, smoke, dust, particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emission, are not permitted in this zone unless built prior to January 1, 2000. Those businesses and properties built prior to January 1, 2000, may be remodeled or rebuilt under the terms of the applicable building code or ordinance in effect on January 1, 2000. Potentially harmful or objectionable characteristics of certain development may be mitigated by the inclusion of additional design or architectural features. To provide additional basis for exercising judgment in the determination of potential harm or adverse impact, permitted and conditional uses are listed below as well as use requirements and design limitations that serve to prevent potential harm.

(2) *Permitted uses*: Office and office buildings, studios, retail shops, service shops, drive-in eating places, groceries, day care facilities, auto repair, membership clubs, nursing homes, homes for orphans, home for aged.

(3) *Maximum percentage of lot to be used by building*: One hundred (100) percent.

(4) *Minimum floor area*: None required.

(5) *Maximum height of building*: Two and one-half (2 1/2) stories or thirty-five (35) feet.

(6) *Minimum lot area*: Two thousand (2,000) square feet.

(7) *Minimum frontage of lot*: Twenty (20) feet.

(8) *Minimum depth of lot*: One hundred (100) feet.

(9) *Minimum yard setback*: None required.

(10) *Permitted accessory use*: None allowed.

(11) *Accessory building*: None allowed.

(12) *Conditional uses*: Supervised living facilities, churches.

(13) *Off-street parking*: See section 110-162.

(14) *Off-street loading*: See section 110-163.

(15) *Other provisions*: All signs shall be shielded and sources of light steady. All signs must be physically attached to the building and on property owned or leased.

(16) The following provisions shall apply when B-1 neighborhood businesses have business lot lines within sixty (60) feet of single-family residential lot lines.

a. *Permitted uses*:

Professional offices.

Retail stores.

Convenience stores (not open more than nineteen (19) hours per day).

Service shops ( i.e. hair salons, shoe repair, banking, dry cleaners and personal care facilities).

Day care centers.

Restaurants excluding those with drive-in or drive-through facilities.

Health clubs.

b. *Maximum percentage of lot to be used by building:* That percentage allowed after taking into consideration the limits dictated by the provisions of (1) (1) 4 below.

c. *Minimum floor plan:* None required.

d. *Maximum height of building:* Two and one-half (2 1/2) stories or thirty-five (35) feet.

e. *Minimum lot area:* Two thousand (2,000) square feet.

f. *Minimum frontage lot:* Twenty (20) feet.

g. *Minimum depth of lot:* One hundred (100) feet.

h. Minimum yard setback.

i. *Permitted accessory use:* None allowed.

j. *Accessory building:* None allowed.

k. *Conditional uses:*

Gasoline services not including car wash services.

Automotive repair conducted completely within an enclosed facility.

Supervised living facilities.

Convenience stores (twenty-four (24) hours per day),

Vehicular drive-in or drive-through restaurants.

(1) Design limitations applicable to B-1 businesses with business lot lines within sixty (60) feet of single- family residential area lot lines:

1. All garbage storage shall be screened and located no closer than ten (10) feet from a single-family residential zone and may not be located between the front of the structure and any street right of way.

2. Unsightly features (loading docks, mechanical equipment, etc.) shall be screened through the use of either masonry walls, fencing, berms with adequate trees or shrubs, or chain link fencing with adequate trees or shrubs, all being thick enough to hide the unsightly features from neighboring residential areas.

3. Hours of operation shall be limited to 5:00 a.m. to 12:00 midnight unless planning commission review determines alternative hours will not adversely impact the neighborhood residents. Outside normal hours of operations, all external lighting except that necessary for security purposes shall be secured.

4. No structure shall be located nearer to any single-family residential property than a distance equal to one and one-half (1 1/2) times the height of the exterior walls of such building or structure. But those business built prior to the effective date of the Zoning Ordinance are exempted from this requirement.

5. No mechanical, electrical or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare or other annoyance at nearby residential lot lines shall be permitted. Mechanical and electrical equipment shall be designed and installed to minimize noise impact on surrounding residential property. Additionally, no external amplified sound for other than safety or security purposes is allowed.

6. Uses that typically and inherently produce significant noise such as tire shops, muffler shops, and car wash facilities are not allowed unless design features are present to eliminate noise that would intrude on the neighborhood.

7. All exterior signage, both temporary and permanent, shall meet the conducive color standards of section 110-72 (17) and is subject to a design review and placement study by the planning commission. All signage detached from building / structures shall meet the requirements of a monument sign as defined in section 78-10 of this Code.

8. All storage, both temporary and permanent, of materials, pending customer work (i.e.; vehicles), freight / deliveries, or products intended for sale / lease shall be within the building or structure.

(17) The following performance standards shall be used for the purpose of evaluating the development proposals in the neighborhood business zone if the proposed B-1 neighborhood businesses lot line is within sixty (60) feet of single-family residential area lot lines:

a. New development shall be designed to be compatible with neighboring residential areas. This shall require that materials used on the outside of the buildings be of earth tone colors or colors conducive to colors in the surrounding residential area.

1. Colors or awnings should be muted, natural or earth toned and related to major materials of the building.

2. Window frames may be of an accent color to complement the major wall material.

3. Paint shall be flat or semi - gloss.
4. Metal roofs grey, natural green, rust or brown.
5. Metal canopies dark anodized or black or to match roof.

This shall involve the preservation of the character and integrity of residential areas and the maintaining of an appropriate visual and functional interrelationship between residential and commercial uses. Potential intrusive design elements such as traffic circulation and light glare shall be designed to avoid interference with the residential environment.

b. The height, scale, mass and bulk of buildings shall not be overbearing in relation to neighborhood residential structures. Height, scale, mass and bulk shall also be a function of their proximity to residential structures, with buildings in close proximity made to adhere to a similar scale of development. Potential view impediments shall also be considered.

c. Architectural styles and features shall be compatible with and complementary to neighborhood residential structures to the extent commercial and residential structures share a visual relationship.

**Sec. 110-73. B-1A, professional offices.**

The following regulations shall be applicable to the B-1A, professional offices, zoning district:

- (1) *Purpose and description*: A zone comprised of professional offices.
- (2) *Permitted uses*: Professional offices and office buildings, studios, clinics. No retail sales.
- (3) *Maximum percentage of lot to be used by building*: One hundred (100) percent.
- (4) *Minimum floor area*: None required.
- (5) *Maximum height of building*: Two and one-half (2 1/2) stories or thirty-five (35) feet.
- (6) *Minimum lot area*: Two thousand (2,000) square foot.
- (7) *Minimum frontage of lot*: One hundred (100) feet.
- (8) *Minimum depth of lot*: One hundred (100) feet.
- (9) *Minimum yard setback*: None required.
- (10) *Permitted accessory use*: None allowed.
- (11) *Accessory building*: None allowed.
- (12) *Conditional uses*: Hospital, churches.
- (13) *Off-street parking*: See section 110-162.



(14) *Off-street loading*: See section 110-163.

(15) *Other provisions*:

a. All signs shall be shielded and source of light steady. All signs must be physically attached to the building and on property owned or leased.

b. See section 110-178 for additional rules on design limitations and performance standards when a B-1A zone lot line is within sixty (60) feet of single-family residential area lot lines.

**Sec. 110-74. B-2, central business.**

The following regulations shall be applicable to the B-2, central business, zoning district:

(1) *Description and purpose*: The zone is the principal area and permits most types of general commercial enterprise. Manufacturing and nuisance industries are excluded.

(2) *Permitted uses*: Office and office buildings, studios, retail shops, service shops, drive-in eating places, groceries, day care center, auto repair shops, membership clubs, nursing homes, homes for orphans, homes for aged, newspaper, auto dealers, hotels, theatres, motels, banks and financial institutions.

(3) *Maximum percentage of lot to be used by building*: One hundred (100) percent.

(4) *Minimum floor area*: None required.

(5) *Maximum height*: Four (4) stories, fifty (50) feet or as approved.

(6) *Minimum lot area*: Two thousand (2,000) square feet.

(7) *Minimum frontage of lot*: Thirty (30) feet.

(8) *Minimum depth of lot*: One hundred (100) feet.

(9) *Minimum yard setback*: None required unless abutting residential zone of E-1, R-1, R-2, R-3, T-1, then there shall be a minimum setback of twenty (20) feet on the rear and on the side, for all buildings up to fifty (50) feet in height, where the property abuts such zones. If the building is greater than fifty (50) feet in height, the setback on the rear and side shall be twenty (20) feet plus twice the height of that portion of the building that is in excess of the first fifty (50) feet. Portions of drainage ditches on the property or between properties shall be credited to the landowner for the purposes of establishing the setback.

(10) *Permitted accessory use*: None allowed.

(11) *Accessory building*: None allowed.

(12) *Conditional uses*: Bowling alley and other recreational facilities, clinics and supervised living facilities and churches. No funeral homes.

(13) *Off-street parking*: See section 110-162.

(14) *Off- street loading*: See section 110-163.

(15) *Other provisions*:

a. All signs shall be shielded and source of light steady. All signs must be physically attached to the building and on property owned or leased.

b. See section 110-178 for additional rules on design limitations and performance standards when a B-2 zone lot line is within sixty (60) feet of single -family residential area lot lines.

**Sec. 110-75. B-3, institutional zone.**

The following regulations shall be applicable to the B-3, institutional zone, zoning district:

(1) *Description and purpose*: A zone for cultural, educational and other institutional uses.

(2) *Permitted uses*: Church, religious institution, public, private or parochial schools.

(3) *Minimum floor area*: None required.

(4) *Maximum height*: Four (4) stories, fifty (50) feet or as approved. The distance from average grade or curb level to the highest point of the roof, but not including chimneys, towers, spires and the like.

(5) *Minimum lot area*: One (1) acre.

(6) *Minimum frontage of lot*: Two hundred (200) feet.

(7) *Minimum yard setback*: None required unless abutting residential zones of E-1, R-1, R-2, R-3, or T-1, then there shall be a minimum setback of twenty (20) feet on the rear and on the side, for all buildings up to fifty (50) feet in height, where the property abuts such zones. If the building is greater than fifty (50) feet in height, the setback on the rear side shall be twenty (20) feet, plus twice the height of that portion of the building that is in excess of the first fifty (50) feet. Portions of drainage ditches on the property or between properties shall be credited to the landowner for the purposes of establishing the setback. Front setback is thirty (30) feet.

(8) *Permitted accessory use*: Parking garage, day care facility.

(9) *Accessory building*: Any customary, incidental to business.

(10) *Conditional uses*: Playfield or stadium, recreation center.

(11) *Off-street parking*:

a. No parking facility shall occupy any portion of a required setback within ten (10) feet of a public street or within ten (10) feet of a lot line adjacent to a residential zone (E-1, R or T-1) or more restrictive district.

b. The parking requirements of section 110-162 shall apply.

(12) *Special conditions:*

- a. Screening devices will be required.

(13) *Off-street loading:* See section 110-163.

**Sec. 110-76. C-1, commercial.**

The following regulations shall be applicable to the C-1, commercial, zoning district:

(1) *Description and purpose:* This is a zone designed to contain mostly warehousing, distribution types of activity.

(2) *Permitted uses:* Office and office buildings, studios, retail shops, service shops, drive-in eating places, groceries, day care center, auto repair shops, membership clubs, nursing homes, homes for orphans, homes for aged, newspaper, auto dealers, hotels, theatres, motels, banks, and financial institutions, lumberyards, and brickyards, warehouses, wholesale business, veterinary clinic, commercial laundries, beverage manufacturing. See (16); amendment added 12/15/2020; Ordinance No.105-20.

(3) *Maximum percentage of lot to be used by building:* One hundred (100) percent.

(4) *Minimum floor area:* None required.

(5) *Maximum height of building:* Four (4) stories, fifty (50) feet or as approved.

(6) *Minimum lot area:* Three thousand (3,000) square feet.

(7) *Minimum frontage of lot:* Thirty (30) feet.

(8) *Minimum depth of lot:* One hundred (100) feet.

(9) *Minimum yard setbacks:* None required unless abutting residential zone of E-1, R-1, R-2a, R-3, or T-1, then there shall be a minimum setback of twenty (20) feet on the rear and on the side, for all buildings up to fifty (50) feet in height, where the property abuts such zones. If the building is greater than fifty (50) feet in height, the setback on the rear and side shall be twenty (20) feet, plus twice the height of that portion of the building that is in excess of the first fifty (50) feet. Portions of drainage ditches on the property or between properties shall be credited to the landowner for the purposes of establishing the setback.

(10) *Permitted accessory uses:* None allowed.

(11) *Accessory building:* Any customary, incidental to business.

(12) *Conditional uses:* Supervised living facility and churches.

(13) *Off-street parking:* See section 110-162.

(14) *Off-street loading:* See section 110-163.

(15) *Other provisions:* See section 110-178 for additional rules on design limitations and performance standards when a C-1 zone lot line is within sixty (60) feet of single-family residential area lot lines.

(16) *R-2 permitted uses in C-1 zone:* R-2 single family homes shall be a permitted use in a C-1 zone. A single-family home may be built or remodeled in a C-1 zone. A single-family home, being newly built, must meet all of the requirements provided in the City of Sweeny Zoning Ordinance for a home built in a R-2 zone. However, if an existing structure is being remodeled or converted to a single family home in the C-1 zone, the R-2 zoning requirements are waived. Added/adopted 12/15/2020; Ordinance No. 105-20.

**Sec. 110-77. C-2, commercial.**

The following regulations shall be applicable to the C-2, commercial, zoning district:

(1) *Description and purpose:* This zone is designed to contain high-rise buildings.

(2) *Permitted uses:* Hotels, motels, office buildings, hospitals, banks, and financial institutions.

(3) *Maximum percentage of lot to be used by building:* One hundred (100) percent.

(4) *Minimum floor area:* None required.

(5) *Maximum height of building:* Four (4) stories, fifty (50) feet or as approved.

(6) *Minimum lot area:* Ten thousand (10,000) square feet.

(7) *Minimum frontage of lot:* Thirty (30) feet.

(8) *Minimum depth of lot:* One hundred (100) feet.

(9) *Minimum yard setback:* None required unless abutting residential zone of E-1, R-1, R-2, R-3, or T-1, then there shall be a minimum setback of twenty (20) feet on the rear and on the side, for all buildings up to fifty (50) feet in height, where the property abuts such zones. If the building is greater than fifty (50) feet in height the setback on the rear and side shall be twenty (20) feet plus twice the height of that portion of the building that is in excess of the first fifty (50) feet. Portions of drainage ditches on the property or between properties shall be credited to the landowner for the purposes of establishing the setback.

(10) *Permitted accessory uses:* None allowed.

(11) *Accessory building:* Any customary, incidental to business.

(12) *Conditional uses:* None allowed.

(13) *Off-street parking:* See section 110-162.

(14) *Off-street loading:* See section 110-163.

(15) *Other provisions*: See section 110-178 for additional rules on design limitations and performance standards when a C-2 zone lot line is within sixty (60) feet of single-family residential area lot lines.

**Sec. 110-78. M-1, light industrial.**

The following regulations shall be applicable to the M-1, light industrial, zoning district:

(1) *Description and purpose*: This zone permits most compounding, assembling or treatment of articles or materials with the exception of heavy manufacturing and the processing of raw materials.

(2) *Permitted uses*: Machine shops, carpenter shops, ice manufacturing, light metal processing, meat and food processing, paper fabricating, plastic manufacturing, clay products manufacturing, trucking yard, dairy product manufacturing, feed and fuel yards and miniwarehouses.

(3) *Maximum percentage of lot to be used by building*: One hundred (100) percent.

(4) *Minimum floor area*: None required.

(5) *Maximum height*: Four (4) stories, fifty (50) feet or as approved.

(6) *Minimum lot area*: Eight thousand four hundred (8,400) square feet.

(7) *Minimum frontage of lot*: Sixty (60) feet.

(8) *Minimum depth of lot*: One hundred (100) feet.

(9) *Minimum yard setback*: None required unless abutting residential zone of E-1, R-1, R-2, R-3, or T-1, then there shall be a minimum setback of twenty (20) feet on the rear and on the side, for all buildings of to fifty (50) feet in height, where the property abuts such zones. If the building is greater than fifty (50) feet in height the setback on the rear and side shall be twenty (20) feet plus twice the height of that portion of the building that is in excess of the first fifty (50) feet. Portions of drainage ditches on the property or between properties shall be credited to the landowner for the purposes of establishing the setback.

(10) *Permitted accessory use*: No restrictions.

(11) *Accessory building*: No restrictions.

(12) *Conditional use*: Churches.

(13) *Off-street parking*: See section 110-162.

(14) *Off-street loading*: See section 110-163.

(15) *Other provisions*: See section 110-178 for additional rules on design limitations and performance standards when an M-1 zone lot line is within sixty (60) feet of single-family residential area lot lines.

**Sec. 110-79. M-2, heavy industrial.**

The following regulations shall be applicable to the M-2, heavy industrial, zoning district:

(1) *Description and purpose*: This zone is designed to contain those industries which process raw material into useful goods.

(2) *Permitted uses*: Machine shop, carpenter shops, ice manufacturing, light metal processing, meat and food processing, paper fabricating, plastic manufacturing, feed and fuel yards and miniwarehouses. All other manufacturing must obtain special permits.

(3) *Maximum percentage of lot to be used for building*: One hundred (100) percent.

(4) *Minimum floor area*: None required.

(5) *Maximum height*: Four (4) stories, fifty (50) feet or as approved.

(6) *Minimum lot area*: Fifteen thousand (15,000) square foot.

(7) *Minimum frontage of lot*: One hundred fifty (150) feet.

(8) *Minimum depth of lot*: One hundred (100) feet.

(9) *Minimum yard setback*: None required unless abutting residential zone of E-1, R-1, R-2, R-3 or T-1, then there shall be a minimum setback of twenty (20) feet on the rear and on the side, for all buildings up to fifty (50) feet in height, where the property abuts such zones. If the building is greater than fifty (50) feet in height the setback on the rear and side shall be twenty (20) feet plus twice the height of that portion of the building that is in excess of the first fifty (50) feet. Portions of drainage ditches on the property or between properties shall be credited to the land owner for the purposes of establishing the setback.

(10) *Permitted accessory uses*: No restriction except no dwellings.

(11) *Accessory building*: No restrictions.

(12) *Conditional use*: Churches.

(13) *Off-street parking*: See section 110-162.

(14) *Off-street loading*: See section 110-163.

(15) *Other provisions*: See section 110-178 for additional rules on design limitations and performance standards when a M-2 zone lot line is within sixty (60) feet of single-family residential area lot lines.

**Sec. 110-80. T-1, single-family residence, townhouse.**

In a T-1, single-family residence, townhouse, zone designated and approved according to the provisions of this chapter, within the city or within the extraterritorial jurisdiction of the city of subdivision purposes, a townhouse or townhouse group may be erected or constructed, provided it meets the following requirements:

(1) *Description and purpose*: A highly restricted high density residential zone composed of single-family townhouse dwellings.

(2) *Permitted uses*: Single-family dwelling.

(3) *Maximum percent of project to be used for covered buildings*: Fifty (50) percent, including common area. Those structures constituting "covered buildings" under this provision include, but are not limited to, buildings and required covered parking spaces.

(4) *Minimum living area per family*: Eight hundred (800) square feet.

(5) *Lots*: Each townhouse is located on an individual lot.

(6) *Units and area*:

a. There shall be at least four (4) connected units in each townhouse project.

b. Each townhouse group shall have not less than four (4) adjoining townhouse units.

(7) *Maximum height of building*: Thirty-five (35) feet or two and one-half (2 1/2) stories.

(8) *Minimum area per family*: Three thousand five hundred (3,500) square feet, including common area.

(9) *Minimum lot area*: Two thousand (2,000) square feet.

(10) *Minimum frontage of lot*: Twenty (20) feet.

(11) *Minimum lot depth*: One hundred (100) feet.

(12) *Minimum yard setback*:

a. Each townhouse or townhouse group shall be set back from the front street five (5) feet for the building line.

b. Each townhouse or townhouse group shall be set back from a side street twenty-five (25) feet for the building line.

c. Each townhouse or townhouse group shall be set back from the rear lot line at least ten (10) feet for the building line. Garages or carports having direct access to a rear alley or common driveway shall set back from the rear lot line at least ten (10) feet; provided, however, the planning commission may reduce or waive the required rear setback requirements where a common area of at least twenty-five (25) feet in width is provided and there is provision for pedestrian and vehicular safety, utility service and privacy.

(13) *Permitted accessory use*: Mechanical building, maintenance and tool shop and recreational building, customary home occupations.

(14) *Accessory building*: Shall be the same design and appearance as townhouses and subject to the same maximum height restrictions.

(15) *Conditional uses*: There are no conditional uses allowed.

(16) *Yards*:

a. Each lot shall contain a private yard with not less than three hundred (300) square feet of area. Not more than fifty (50) percent of the required private yard may be occupied by a driveway, but parking areas shall not be included in the computation of the required private yard. A wall or solid fence, not less than five (5) feet in height, shall be required on side lot lines where the required private yard adjoins such lot lines. A private yard may be a patio cover or roof which does not cover more that twenty-five (25) percent of the private yard.

b. Within a townhouse project there shall be at least fifteen (15) feet of separation or combined side yard between each townhouse group.

c. No side yard shall be required between connected townhouses or units.

(17) *Parking spaces and driveways*:

a. *Off-street parking*: Minimum two-space garage.

1. Off-street parking spaces shall be provided for each townhouse in the number specified in the section 110-162.

2. No parking shall be provided in the front five (5) feet of a townhouse lot or common area (unless the rear of the lot abuts Loop Road) nor in the twenty-five (25) feet adjacent to a side street.

b. *Driveways*:

1. No driveway shall be located in the front yard of a townhouse, unless the rear of the lot abuts Loop Road.

2. One-way driveways shall be at least nine (9) feet in width, and two-way driveways shall be at least eighteen (18) feet in width.

(18) *Off-street loading*: None.

**Sec. 110-81. PUD, planned unit development.**

See article IV for regulations applicable to the PUD, planned unit development, zoning district.

**Sec. 110-82. PURZ, planned unit residential zone.**

See article V for regulations applicable to the PURZ, planned unit residential, zoning district.

**Sec. 110-83. MH-1, mobile home park.**



See chapter 58 for regulations applicable to the MH-1 mobile home park zoning district. In addition to chapter 58, the following additional regulations shall be applicable to the MH-1 mobile home park zoning district:

(1) *Description and purpose*: A medium -density zone composed primarily of individual mobile or manufactured homes.

(2) *Permitted use*: One family mobile home dwelling, to include HUD code manufactured homes.

**Cross reference**-- Mobile home park zone, chapter 151.

### **Sec. 110-84. MH-2, manufactured homes.**

Manufactured homes shall have the same definition found in Vernon's Ann. Civ. Stat. arts. 5221 et seq. The following regulations shall be applicable to the MH-2 manufactured homes zoning district:

(1) *Description and purpose*: A medium-density zone composed primarily of individual manufactured homes.

(2) *Permitted use*: One-family manufactured home dwelling.

(3) *Compliance with Code*: Manufactured homes in MH-2 zone shall be subject to the terms, rules and regulations found in chapter 58 of this Code, specifically sections 58-65 et seq.

### **Sec. 110-85. Exceptions.**

The following are exceptions to the regulations set out in this article:

(1) Ornamental features and mechanical appurtenance may exceed height limitations, but in no case exceed one hundred forty (140) feet.

(2) Unattached garages may be placed within ten (10) feet of rear lot line if an alley is used between lots.

(3) [Corner lots.]

a. Side yards for corner lots, where front and side setbacks have not been established by plat (approved by the planning commission), shall have a minimum front yard setback from the lot line required for that zone from both sides.

b. For corner lots which have established front and side setbacks by plat (approved by the planning commission), those platted setbacks will control which is the front of the home and which is the side of the home (the front setback will be the larger of the two).

(4) If, for any reason of solar orientation, an entire area or any entire block is developed cooperatively or as a unit, standard yard regulations may be waived to carry out such purpose, providing that the zoning board of adjustment after public notice and hearing is of the opinion that such a development is not injurious to adjacent property.

(5) Lots with schools and/or churches shall have twice the side setback requirements of residence when in residential zones.

(6) Libraries and museums may be permitted in residential zones and must meet restrictions for churches.

(7) This section shall not apply to the location, construction, maintenance or use of central office buildings or corporations, firms or individuals engaged in the furnishing of telephone service to the public, or to the location, construction, maintenance or any use of any equipment in connection with such buildings or a part of such telephone system, necessary in the furnishing of telephone service to the public.

**Sec. 110-86 BLIMXU, business industrial mixed use zone.**

The following regulations shall be applicable to the BLIMXU, Business Light Industrial Mixed Use Zone, zoning district:

1. *Description and Purpose:* A zone to allow several types of allowable zone uses within a specified area; Residential development prohibited
2. *Permitted Uses:* Those allowable within the B-1, B-1A, B-2, B-3, C-1, C-2, and M-1 zones.
3. *Maximum percentage of lot to be used by building:* Once hundred (100) percent.
4. *Minimum floor area:* None required
5. *Maximum height of building:* Four (4) stories or fifty (50) feet or as approved.
6. *Minimum lot area:* two thousand (3,000) square feet
7. *Minimum frontage of lot:* Thirty (30) feet
8. *Minimum depth of lot:* One hundred (100) feet
9. *Minimum yard setback:* None required unless abutting residential zone of E-1, R-1, R-2, R-2B, R-3, or T-1, then there shall be a minimum setback of twenty (20) feet on the rear and on the side, for all buildings of up to fifty (50) feet in height, where the property abuts such zones. If the building is greater than fifty (50) feet in height, the setback on the rear and side shall be twenty (20) feet plus twice the height of that portion of the building that is in excess of the first fifty (50) feet. Portions of drainage ditches on the property or between properties shall be credited to the landowner for the purposes of establishing the setback.
10. *Permitted accessory use:* No restrictions
11. *Accessory building :* No restrictions
12. *Conditional use:* Reference those allowable within the B-1, B-1A, B-2, B-3, C-1, C-2, and M-1 zones.
13. *Off street parking:* See section 110-162

14. *Off street loading*: See section 110-163
15. *Other provisions*: See section 110-178 for additional rules on design limitations and performance standards when a BLIMXU lot line is within sixty (60) feet of single family residential area lot line.

**Sec. 110-105. Reserved.**

**ARTICLE IV. PLANNED UNIT DEVELOPMENT\***

**Sec. 110-106. Generally.**

The planned unit development concept is a recognition that, under certain circumstances, greater quality of development can be achieved by permitting modification of established zoning regulations and that when property is planned and developed as a unit, modification to establish regulations is possible without endangering the health, safety and general welfare of the public.

**Sec. 110-107. Purpose.**

It is the intent of this article to encourage unified design of housing, commercial, industrial or institutional areas and facilities or combinations thereof to provide for related developments having harmony of design and variety of function, and to provide for a greater flexibility in the design of buildings, yards, courts, and circulation than would otherwise be possible through the strict application of standard regulations. It is further the intent of this section to provide for:

- (1) A maximum choice in the types of environment and living units available to the public.
- (2) An integration of open space and recreation areas with residential development.
- (3) A pattern of development which preserves trees, outstanding natural topography and geologic features.
- (4) A creative approach to the use of land and related physical development.
- (5) An efficient use of land, resulting in smaller networks of utilities and streets, and thereby, lower housing and maintenance costs.
- (6) An environment of stable character in harmony with surrounding development.

**Sec. 110-108. Application.**

The provisions of this article may be applied to any zoning district at the option of the applicant; provided, however, that the applicant has been granted a PUD classification as provided for under the terms of this article and section 110-6.

**State law reference**--Local appraisal of property owned by a planned unit development association, V.T.C.A., Tax Code § 25.09.

**Sec. 110-109. Application for classification.**

(a) To zone property as provided for in this article, the applicant must complete all of the steps in the following process:

(1) *Preapplication conference*: Prior to the formal application for a PUD zoning change, the applicant shall discuss with the city manager the elements of the proposed planned unit development, including, but not limited to:

- a. The project location.
- b. The project size.
- c. The project's intended land uses.
- d. The variation from normal zoning provisions needed to implement the plan.
- e. The relationship of the proposed project to existing adjacent development.
- f. The proposed document concerning maintenance of the common areas. Such document shall provide at a minimum a trust instrument or equivalent device that shall establish an institution other than the city to assure maintenance of the common areas in case of financial or other emergency.

The purpose of the preapplication conference is to clarify, for the applicant, the city's policies regarding planned unit development and for the city to provide an informal nonbinding opinion on the acceptability of the proposal.

(2) *Preliminary plan*. To receive preliminary approval of a request for PUD zoning, the applicant shall submit the following:

- a. A preliminary plan including:
  1. A location diagram at the convenient scale.
  2. A land use plan at a scale of one (1) inch equals one hundred (100) feet, illustrating the boundaries of the proposed tract, any existing land uses on the proposed tract, any interesting or unusual existing features of the tract, including, but not necessarily limited to topography, vegetation or flooding, and adjacent existing land uses to a distance of two hundred (200) feet. This land use plan shall also illustrate existing zoning on and within two hundred (200) feet of the proposed development.
- b. Two (2) copies of a plan of the proposed development at a scale of one (1) inch equals one hundred (100) feet, illustrating all of the elements of the proposal, including, but not limited to:
  1. Land uses and drainage.
  2. Circulation and parking.
  3. Common area(s).
- c. A staging plan, if appropriate to the proposal.
- d. Sketches and / or elevation drawings illustrating visually the general features of the proposed plan.

e. A written statement outlining the applicant's views of the relationship of the proposal to any existing adjacent development.

The planning commission and the city council shall hold a joint public hearing, as specified in section 110-6, and all the requirements of section 110-6 must be met. Applicant should return to the planning commission of the commission requires changes of the preliminary or final plan.

(3) *Final plan.* To complete the zoning process, the applicant shall, as soon as possible following action on the preliminary plan, submit the following for review and approval:

a. Two (2) copies of a plan of the proposed development at a scale of one (1) inch equals one hundred (100) feet illustrating all of the elements of the proposal and reflecting all elements and changes required by the planning commission during the preliminary plan review process. Such changes shall be reviewed and approved by the planning commission.

b. Two (2) copies of a staging plan, if appropriate to the proposal, reflecting all changes required by the planning commission during the preliminary plan review process.

c. Two (2) copies of a legal instrument or instruments setting forth a plan or method of permanent care and maintenance of open spaces, recreational areas and other commonly owned properties including the legal instrument required by subsection (1)f. of this section.

(b) The council shall notify the applicant of their approval or disapproval. This approval shall constitute the final step in the process and when received, the zoning shall be changed.

#### **Sec. 110-110. Review of plat; recordation; changes.**

(a) *Subdivision plat.* Review of the preliminary plan and the final plan may, at the option of the applicant, be undertaken simultaneously with subdivision plat review; provided, however, that all requirements of this section and those of chapter 152 shall be met.

(b) *Recording of the approved plan.* Two (2) copies of the final approved plan shall be marked approved, dated, signed by the planning commission and submitted to the city manager for use in subdivision platting and / or for issuing building permits.

(c) *Changes in the plan.* Following favorable action by the planning commission, minor alterations to the plan that do not affect platting, the general character or overall design of the plan may be approved by the city manager and city engineer. Any other alterations shall be resubmitted for review by the planning commission.

#### **Sec. 110-111. Design standards.**

(a) *Permitted uses.* A planned unit development may be developed which includes any or all of the uses permitted in any specific zoning district as provided in sections 110-66 -- 110-83. A planned unit development may also encompass several zones; provided, however, that the uses permitted in each zone are limited to the boundaries of that zone.

(b) *Height requirements:* The maximum height of structures shall be as required in sections 110-66 -- 110-84.

(c) *Yard requirements.* Front, side and rear yards for the perimeter boundaries of the proposed development may be equal to the front, side and rear yards of the zoning district within which the development is located; provided, however:

(1) Internal perimeter yard requirements (e.g., zone to zone) may be varied at the discretion of the applicant and subject to commission approval; and

(2) The commission may require perimeter yards of greater or lesser depth to modify the relationship of proposed structures to existing structures.

(d) *Minimum lot requirements.* An individual lot for each structure is not required, but individual lots may be provided at the developer's option. There is no minimum area requirement for lots. Lot boundaries may coincide with structure boundaries if desired.

(e) *Density.* The number of primary structures permitted on a tract shall be determined by dividing the net area (net area equals the total area of a tract less the area devoted to streets, easements or other rights-of-way) of the tract by the values in the following table:

*Square Feet*

E-1 PUD .....	43,560
T-1 PUD .....	3,500
B-1 PUD .....	2,000
B-1A PUD .....	2,000
B-2 PUD .....	2,000
C-1 PUD.....	3,000
C-2 PUD .....	10,000
M-1 PUD .....	8,400
M-2 PUD .....	15,000

(f) *Minimum floor area.* The minimum floor area for structures in a planned unit development shall be as defined by sections 110-66 -- 110-83.

(g) *Open space.* The required quantity of open space shall be determined by multiplying the net area of the tract by the values of the following table:

E-1 PUD .....	0.75
T-1 PUD .....	0.50
B-1 PUD .....	None
B-1A PUD .....	None
B-2 PUD .....	None
C-1 PUD .....	None
C-2 PUD .....	None
M-1 PUD .....	None
M-2 PUD .....	None

(h) *Open spaces uses.* The following uses are permitted on the required open space areas:

- (1) Uncovered parking.
- (2) Active and passive recreation uses.

(i) *Parking*. The required number of parking spaces shall be as provided in section 110-162.

(j) *Landscaping*. In keeping with the spirit of this section, landscaping shall be provided in both residential and nonresidential developments. Recognizing the need for diversity in design, there are not specific requirements for the type, amount or character of the landscaping elements, which shall be left to the discretion of the developer, provided the proposed landscaping and maintenance thereof be in keeping with the abovementioned spirit. In the location of landscaping elements such as trees, shrubbery, walls, and fences, care should be taken not to obstruct the necessary sight distance of any intersection within or adjacent to the property. Whenever practicable, the preservation of existing trees and appropriate other vegetation is encouraged. Screening, such as fencing, walls, trees, shrubbery and other landscaping elements, may be required on the perimeter, or parts of a planned unit development as buffering to adjoining properties.

**Sec. 110-112 -- 110-130. Reserved.**

### ARTICLE V. PLANNED UNIT RESIDENTIAL ZONE

**Sec. 110-131. Intent.**

The planned unit residential zone is intended as a zone to encourage unified design of housing, commercial or institutional zones and facilities or combinations thereof to provide for related developments having harmony of design and variety of function.

**Sec. 110-132. Definitions.**

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

*Common open space* means a parcel of land or an area of water, or a combination of land and water within the site designated as a planned unit residential zone, and designed and intended for the use or enjoyment of residents of the planned unit residential zone, common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the planned unit residential development. Parking areas shall not be considered as common open spaces.

*Landowner* means the legal or beneficial owner or owners of all the land proposed to be included in a planned unit residential zone. The holder of an option or contract to purchase, a lessee having a remaining term is not less than forty (40) years, or other person having an enforceable proprietary interest in such land, shall be deemed to be landowner for the purpose of this zoning section.

*Plan* means the proposal for development of a planned residential zone, including all covenants, grants of easement and other conditions relating to use, location and bulk of buildings, density of development, common open space and public facilities. The plan shall include such information as required by section 110-138. The phrase "provisions of plan" where used in this article shall mean those documents, verbal or graphic, referred to in this definition.

*Planned unit residential zone* means an area of land, controlled by the landowner, to be developed as a single entity for a number of dwelling units, the plan for which does not correspond

in lot size, bulk or type of dwelling, density, lot coverage, or required open space to the regulations in any one (1) residential district established by any other article of this chapter.

*Single ownership* means the proprietary interest of a landowner.

*Statement of objectives for planned unit residential zone* means that statement of objectives contained in section 110-134 and shall include all maps and attachments incorporated in that statement of reference.

**Cross reference** -- Definitions generally, § 1-2.

**Sec. 110-133. Purpose.**

(a) The city, being confronted with increasing urbanization, and acknowledging that the technology of land development and the demand for housing are undergoing substantial and rapid changes, and recognizing the applicability of the objectives set forth by the city council, does hereby adopt this article for application to areas of land which are to be developed as planned residential developments.

(b) Of primary concern is the need to provide increased flexibility in the laws governing the development of those large areas in the city which are at present substantially open land; and to encourage such development in directions that will recognize both the changes in design and technology in the building industry and the new demands in the housing market; and to ensure that the uniform regulations appropriate to previously developed residential neighborhoods do not operate to discourage efficient and imaginative development of such substantially open areas consistent with the reasonable enjoyment of neighboring properties.

(c) Also of concern is the need for the redevelopment of those congested and blighted areas abutting the central areas of the city in order to furnish adequate housing facilities in proximity to the commercial and civic amenities of the central areas of the city, and in the belief that private investment should be encouraged to contribute to that redevelopment; and in recognition that such necessary redevelopment cannot be expected to take place in strict accordance with those uniform regulations appropriate to more viable established residential areas of the city.

**Sec. 110-134. Objectives.**

(a) It is the intent of this article to encourage unified design of housing, related facilities or combinations thereof to provide for related developments having harmony of design and variety of function, and to provide for a greater flexibility in the design of buildings, yards, courts, and circulation than would otherwise be possible through the strict application of standard regulations. It is further the intent of this article to provide for:

- (1) A maximum choice in the types of environment and living units available to the public.
- (2) An integration of open space and recreation areas with residential development.
- (3) A pattern of development which preserves trees, outstanding natural topography and geologic features.
- (4) A creative approach to the use of land and related physical development.



(5) An efficient use of land, resulting in small networks of utilities and streets and thereby lowering housing and maintenance costs.

(6) An environment of stable character in harmony with surrounding development.

(b) The city council is hereby designated as the municipal authority.

**Sec. 110-135. Application of article.**

(a) The provisions of this article shall apply only to a tract of land proposed to be developed for fifty (50) or more dwelling units, which tract is under single ownership, and for which an application for a planned unit residential zone is made as hereinafter provided.

(b) An application for a planned unit residential zone on a tract of land for more than twelve (12) but less than fifty (50) or more dwelling units may be filed but no tentative approval of such an application shall be given by the planning commission unless the commission shall find, upon a showing by the landowner, that the minimum of fifty (50) dwelling units should be waived because a planned unit residential zone is in the public interest, and that one (1) or more of the following conditions exist:

(1) Because of unusual physical features of the property itself or of the neighborhood in which it is located, a substantial deviation from the regulations otherwise necessary or appropriate in order to conserve a physical or topographic feature of importance to the city.

(2) The property or its neighborhood has a unique character of economic importance to the community that it will be protected by use of a planned unit residential development.

**Sec. 110-136. Permitted uses.**

Uses permitted in a planned unit residential development may include and shall be limited to:

(1) Dwelling units in detached, semidetached, attached or multistoried structures, or any combination thereof;

(2) Nonresidential uses of religious, cultural, recreational and commercial character to the extent they are designed and intended to serve the residents of the planned unit residential zone.

No commercial use, nor any building devoted primarily to a commercial use, shall be built or established prior to the residential buildings or uses it is designed or intended to serve.

**Sec. 110-137. Standards and criteria.**

(a) The plan for a planned unit residential zone shall be consistent with:

(1) The statement of objectives for planned unit residential zone;

(2) The general standards set out hereinafter; and

(3) The specific rules and regulations for the planned unit residential zone adopted from time to time and placed in the public record by the city council. No such rules and regulations shall

be revised or added to so as to be applicable to a specific proposal for a planned unit residential zone after an application for tentative approval has been filed by the landowner.

(b) A plan shall be consistent with the following general standards for use of land, and the use, type, bulk, design and location of building, the density or intensity of use, the common open space, the public facilities and the development by geographic division of the site:

(1) The plan may provide of a variety of housing types.

(2) The total ground areas occupied by buildings, structures and parking areas, shall not exceed seventy (70) percent of the total ground area of the planned unit residential zone. For the purpose of this subsection, total ground area shall be equal to the gross area of the proposed planned unit residential zone site, less those areas required for public street improvements or excavated drainage areas.

(3) Height of particular building shall not be a basis for denial or approval of a plan, provided any structures in excess of thirty-five (35) feet shall be designed and platted to be consistent with the reasonable enjoyment of neighboring property and the efficiency of existing public services.

(4) Architectural style of buildings shall not be a basis for denying approval of a plan.

(5) Nonresidential uses of religious, educational or recreational nature shall be presumed to be designed or intended for the use of the residents of the planned unit residential zone, and the burden shall be on the planning commission or objecting parties appearing at the public hearings to show by substantial evidence that the use will primarily serve persons residing outside the planned unit residential zone. The burden shall be on the landowner to show that nonresidential uses of a commercial character are intended to serve principally the residents of the planned unit residential zone. No building designed or intended to be used, in part or in whole, for commercial purposes shall be constructed prior to the construction of not less than fifty (50) percent of the dwelling units proposed in the plan.

(6) If the density or intensity of land use exceeds twenty (20) units per acre, the landowner has the burden to show that such excess will not have an undue and adverse impact on the existing public facilities and on the reasonable enjoyment of neighboring property. The planning commission, in determining the reasonableness of the increase in the units per acre, shall recognize that increased density may be compensated for by additional private amenities and by increased efficiency in public services to be achieved by the amount, location and proposed use of common open space and achieved by the location, design and type of dwelling units. The planning commission shall, in its determination, also consider that the physical characteristics of the site may make increased densities appropriate in the particular location.

(7) The amount and location of common open space shall be consistent with the declared function of the common open space as set forth in the application for a planned unit residential zone, and there shall be such provisions for the ownership and maintenance of the common open space as reasonable to ensure its continuity and conservation. If the common open space is permitted to deteriorate or is not maintained in a condition consistent with the best interest of the entire city, then, and in such event, the city shall take those remedial steps provided for in section 82- 41.

(8) The plan shall contain such proposed covenants, easements and other provisions relating to the bulk, location and density of such residential units, nonresidential uses and public facilities as are necessary for the welfare of the planned unit residential zone and are not inconsistent with the best interest of the entire city. Such covenants, easements and other provisions, if part of the plan as finally approved, may be modified, removed or released only in accordance with those requirements specified by this Code.

(9) The planning commission may designate divisible geographic sections of the entire planned unit residential zone to be developed sequentially, and shall, in such case, specify reasonable periods within which development of each such section must be commenced, and may permit in each section deviations from the number of dwelling units per acre established for the entire planned unit residential zone, provided such deviation shall be adjusted for in other sections of the development so that the number of dwelling units per acre authorized for the entire planned unit residential zone is not affected. The period of the entire development and the commencement date for each section thereof, may be modified from time to time by the planning commission upon the showing of good cause by the landowner, provided that in no case, shall any extension exceed twelve (12) months. If the landowner does not appear in the specified time, his final plat approval may be revoked by the planning commission. The landowner shall make such easements, covenants and other arrangements as may be determined by the planning commission to be reasonably required to assure performance in accordance with the plan and to protect the public interest in the event of abandonment of such plan before completion.

#### **Sec. 110-138. Application for approval.**

(a) *Application for planned unit residential zone.* To zone property as provided for in this article, the applicant must complete all of the steps in the following process:

(1) *Preapplication conference.* Prior to the formal application for a planned unit residential zoning change, the applicant shall discuss with the city manager the elements of the proposed planned unit development, including, but not limited to:

- a. The project location.
- b. The project size.
- c. The project's intended land use.
- d. The variation from normal zoning provisions needed to implement the plan.
- e. The relationship of the proposed project to existing adjacent development.
- f. The proposed document concerning ownership and maintenance of the common areas. Such document shall provide at a minimum a trust instrument or equivalent device that shall establish an institution other than the city to assure maintenance of the common areas in case of financial or other emergency.

The purpose of the preapplication conference is to clarify for the applicant, the city's policies regarding planned unit development and for the city to provide an informal nonbinding opinion on the acceptability of the proposal.

(b) *Preliminary plan.* To receive preliminary approval of a request for planned unit residential zoning, the applicant shall submit the following:

- (1) A preliminary plan including:

- a. A location diagram at a convenient scale.
- b. A land use plan at a scale of one (1) inch equals one hundred (100) feet, illustrating the boundaries of the proposed tract, any existing land uses on proposed tract, any interesting or unusual existing features of the tract, including, but not necessarily limited to, topography, vegetation or flooding, and adjacent existing land uses to a distance of two hundred (200) feet. This land use of plan shall also illustrate existing zoning on and within two hundred (200) feet of the proposed development.

(2) Two (2) copies of a plan on the proposed development at a scale of one (1) inch equals one hundred (100) feet, illustrating all of the elements of the proposal, including, but not limited to:

- a. Land uses and drainage.
- b. Circulation and parking.
- c. Common area(s).

(3) A staging plan, if appropriate to the proposal.

(4) The variation from normal zoning provisions needed to implement the plan.

(5) Sketches and/or elevation drawings illustrating visually the general features of the proposed plan.

(6) A written statement outlining the applicant's views on the relationship of the proposal to any existing adjacent development, and the landowner's reasons why, in his opinion, the planned unit residential zone would be in the public interest and would be consistent with the city's statement of objectives for planned unit residential zone and with the specific criteria, if any, theretofore published by the planning commission.

(7) The proposed document concerning ownership and maintenance of the common areas. Such document shall provide at a minimum a trust instrument or equivalent device that shall establish an institution other than the city to assure maintenance of the common areas in case of financial or other emergency.

(8) One (1) copy for every application for tentative approval received by the secretary shall be promptly delivered to the planning commission for its review. As part of its review the planning commission shall consult to the extent it deems necessary with the fire, health, building and other departments of the city concerning such application.

(9) Nothing contained in this section shall be deemed to forbid or discourage informal consultations between the landowner and the city staff prior to the filing of an application for a tentative approval, provided no statement or representation by a member of the staff shall be binding upon the planning commission.

### **Sec. 110-139. Public hearing.**

The planning commission and the city council shall hold a joint public hearing on each proposed planned residential development, as specified in section 110-6, and all the requirements

of section 110-6 must be met. Applicant should return to the planning commission if the commission requires changes of the preliminary or final plan.

**Sec. 110-140. Final plan and recordation.**

(a) *Final plan.* To complete the zoning process, the applicant for a planned residential development shall, as soon as possible following action on the preliminary plan, submit the following for review and approval:

(1) Two (2) copies of a plan of the proposed development at a scale of one (1) inch equals one hundred (100) feet illustrating all of the elements of the proposal and reflecting all elements and changes required by the planning commission during the preliminary plan review process. Such changes shall be reviewed and approved by the planning commission. All the requirements of the preliminary plan shall also be requirements of the final plan.

(2) Two (2) copies of staging plan, if appropriate to the proposal, reflecting all changes required by the planning commission during the preliminary plan review process.

(3) Two (2) copies of a legal instrument or instruments setting forth a plan or method of permanent care and maintenance of open spaces, recreational areas and other commonly owned properties including the legal instrument required by section 110-138 (b)(7).

(b) *Subdivision plat.* Review of the preliminary plan and the final plan may at the option of the applicant, be undertaken simultaneously with subdivision plat review; provided, however, that all requirements of this section shall be met.

(c) *Recording of the approved plan.* Two (2) copies of the final approved plan shall be marked approved, dated, signed by the planning commission and submitted to the city manager for use in subdivision platting and / or issuing building permits.

(d) *Changes in the plan.* Following favorable action by the planning commission, minor alterations to the plan that do not affect platting, the general character or overall design of the plan may be approved by the city manager and city engineer. Any other alterations shall be resubmitted for review by the planning commission.

The city council shall notify the applicant of their approval or disapproval. This approval shall constitute the final step in the process and when received, the zoning shall be changed.

**Sec. 110-141 -- 110-160. Reserved.**

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**ARTICLE VI. SUPPLEMENTARY REGULATIONS**

**Sec. 110-161. Customary Home Occupations.**

(a) [Definitions.]

*Community home* means a personal care facility licensed under V.T.C.A., Health and Safety Code ch. 247, provided that the exterior structure retains compatibility with the surrounding residential dwellings. No more than six (6) persons with disabilities can reside in a community home and the principal resident / owner must reside in the home. The aforementioned is subject to reasonable building occupancy limits as may be required of the building official and / or fire marshal. A community home may not keep, either on the premises of the home or on a public right - of - way adjacent to the home, motor vehicles in numbers that exceed the number of bedrooms in the home.

*Customary home occupation* means an occupation which may be conducted in the home without changing the character of the residential use and which is incidental and secondary to the residential use.

*Person with a disability* means a person whose ability to care for himself, perform manual tasks, learn, work, walk, see, hear, speak, or breathe is substantially limited because the person has:

- (1) An orthopedic, visual speech, or hearing impairment;
- (2) Alzheimer's disease;
- (3) Pre-senile dementia;
- (4) Cerebral palsy;
- (5) Muscular dystrophy;
- (6) Multiple sclerosis;
- (7) Epilepsy;
- (8) Cancer;
- (9) Heart disease;
- (10) Diabetes;
- (11) Mental retardation;
- (12) Autism; or
- (13) Emotional illness.

*Daycare facility* means a facility that is licensed or registered with the state which regularly provides care for persons less than twenty - four (24) hours a day.

*Kennel* means any lot, building, structure, enclosure, or premises where animals are kept wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs, cats, or other animals.

*Service representative* means an occupation whereby a service is provided. Service representative includes but is not limited to electrician, plumber, interior decorator, accountant, air conditioning repair, small appliance repair, janitorial service, pool service, lawn and landscape service, real estate appraiser and similar occupation.

(b) Customary home occupations may be conducted in the home within the limits of the following:

(1) *Uses permitted* Customary home occupations include home office for a salesman, sales, or service representative, manufacturer representative, studio of an artist, musician, music teacher, photographer, writer, tailor, architect, dressmaker, launderer, registered family homes, agency homes, community home for the disabled, daycare facilities for twelve (12) or fewer persons, caterers licensed by the city or other similar occupations.

(2) *Uses not permitted.* Uses not considered customary home occupations include, but are not limited to, barbershops, beauty parlors, animal hospitals, kennels, carpenter shops, electrical shops, plumbing shops, radio shops, tin shops, auto repair, auto paint and body repair shops, furniture repairing shops, clinics, doctor offices, hospitals, real estate offices, insurance agent offices, health studios, palm readers, day care centers or day care facilities which care for more than twelve (12) persons, taxi and limousine services, garage / yard sales (except that as many as two (2) garage / yard sales may be held per year), major appliance repair shops, dance studios, or other similar occupations.

(3) *Use restrictions.* In addition to the requirements of the appropriate section of this chapter, a home occupation shall comply with the following restrictions.

a. No home occupation shall cause, by reason of its existence, a significant increase in the number of vehicles traveling to and from the home or on the public streets surrounding or abutting the home, nor shall the home occupation receive regular deliveries from delivery trucks.

b. A home occupation shall in no way destroy, restrict or interfere with the primary use of the home as a place of residence.

c. No stock in trade shall be displayed or sold on the premises except that which is custom made to order.

d. The home occupation shall be conducted entirely within the principal dwelling unit or accessory structure, and in no event shall such use be visible from any other residential structure or public way.

e. There shall be no outdoor storage of equipment or material used in the home occupation.

f. No mechanical, electrical or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare or other annoyance outside the residential or accessory structure shall be used.

g. No home occupation shall be permitted which is noxious or offensive to a person of ordinary sensitivity or hazardous by reason of vehicular traffic, generation or emission of noise, vibration, smoke, dust, or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emission.

h. No person other than members of the family residing on the premises shall be engaged in the home occupation unless required by licensing requirements or where such engagement is occasional and incidental to the occupation.

(4) *Advertising*. No sign advertising the home occupation shall be allowed on or off the premises.

(5) *Preexisting day care facilities*. Day care facilities operating prior to June 1, 1992, which are permitted for more than twelve (12) persons, may continue to exist or operate, provided that such facilities do not modify the terms and conditions of their current license with regard to owner and number of clients.

(6) *Penalty*. Any person who violates this section shall be subject to a fine of not more than two thousand dollars (\$2,000.00) for each violation for each day that the violation continues.

**State law reference** -- Industrial homework, V.T.C.A. Health and Safety Code § 143.001 et seq.

#### **Sec. 110-162. Parking requirements.**

Off-street parking facilities shall be provided in the following amounts when a building is erected, increased by unit, increased in dimension or moved:

- (1) One-family dwellings: Two-space garage/carport.
- (2) Two-family dwellings (duplexes): Four (4) space garage/carport .
- (3) Multiple-family dwelling:
  - a. Apartment house: Two and one-half (2 1/2) spaces per living unit.
  - b. Townhouses: Two (2) spaces per living unit.
- (4) Rooming houses, lodging houses, club rooms, fraternity and sorority houses and dormitories: One (1) space for every one hundred (100) square feet of floor area.
- (5) Hotels, motels, motor lodges, trailer courts, tourist courts: One (1) space for each guest room or trailer space and one (1) space for each two (2) employees (associated commercial, club, lounge or retail areas require additional spaces, see subsection (6)).
- (6) Dancehall, nightclub, tavern, restaurant, lounge, skating rink, commercial amusement: One (1) space for each three (3) persons normally accommodated in the establishment; for user not requiring a building, one (1) space for each eight hundred (800) square feet of ground area shall be provided.
- (7) Nursing homes and orphanages: One (1) space for each four (4) beds.



(8) Hospitals, sanatoriums, home for the aged and youth home: One and one-half (1 1/2) spaces per bed or dwelling unit.

(9) Office permitted in R-4 zone: One (1) space for each three hundred (300) square feet of gross floor area.

(10) Theater, indoor sport arenas, auditoriums other than those incidental to public and private schools: One (1) space for each three (3) seats.

(11) Stadiums, ballparks, gymnasium and other outdoor sports arenas: One (1) space for each three (3) seats. Such parking areas or any portion thereof may be located within eight hundred (800) feet of the nearest corner of the property on which the place of assembly is located.

(12) Churches, assembly facility with fixed seating, mortuary or funeral home, or other places of worship: One (1) space for each three (3) seats in the main auditorium.

(13) Retail stores, super markets, shopping centers:

a. For buildings of two thousand (2,000) square feet or less: One (1) space for four hundred (400) square feet of gross floor area.

b. For buildings in excess of two thousand (2,000) square feet in floor area: One (1) space for two hundred (200) square feet of gross floor area.

(14) Banks, savings and loan offices and other general business offices: One (1) space for each three hundred (300) square feet of gross floor area.

(15) Clinic, medical, dental or optical: One (1) space for each two hundred (200) square feet of gross floor area.

(16) Manufacturing, warehouses and storage not covered in subsection (13): One (1) space for each one thousand (1,000) square feet of floor area plus one (1) space for each four (4) employees.

(17) School:

a. Elementary: One (1) space for each nine (9) students.

b. Junior high: One (1) space for each nine (9) students.

c. Senior high: One (1) space for each one and three-quarters (1.75) students.

d. Trade / vocational: One (1) space per student.

e. College / university: One (1) space per day student.

f. Kindergarten: One (1) space per eight (8) pupils.

(18) Library: One (1) space for each three hundred fifty (350) square feet of public area.

(19) Community or welfare center: One (1) space for each two hundred (200) square feet of floor area.

(20) Assembly facility without fixed seating: One (1) space for each one hundred (100) square feet of floor area.

(21) Bowling alley: Six (6) spaces for each line.

(22) Other, as determined by the planning commission.

(23) Off-street parking for uses not specified in this section shall be determined by the planning commission.

(24) All parking spaces must be a minimum of nine (9) feet by eighteen (18) feet.

(25) All parking spaces required in this section shall be located on the same lot with the building or use served, except as follows:

a. Where an increase in number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not to exceed three hundred (300) feet from an institutional building served and not to exceed five hundred (500) feet from any other nonresidential building served.

b. No more than fifty (50) percent of the parking spaces required for theaters, bowling lanes, dancehalls, nightclubs or cafes may be provided and used jointly by similar uses not normally open, used or operated during the same hours as those listed; provided, however, that written agreement thereto is properly executed and filed as specified below.

c. Not more than eighty (80) percent of the parking spaces required for a church or school auditorium may be provided and used jointly by similar uses not normally open, used or operated during the same hours as those listed; provided, however, that written agreement thereto is properly executed and filed as specified below.

d. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their intention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form by the city attorney and shall be filed with the application of a building permit.

(26) Any or all off-street parking requirements may be waived at the discretion of council where there is reasonable justification for so doing.

(27) Any head-in parking or parking on public right-of-way where street width is less than forty-eight (48) feet is prohibited in front of all property.

(28) Where there is on-street parking provided, those spaces in front of a property may be used by that property, plus one-half (1/2) the spaces in the center where there is center parking. If there is an esplanade, a lot may use the lots abutting and those at the esplanade.

(29) The provisions of this section shall not apply to the facilities or parking spaces approved by the city prior to March 1, 1981.

(30) Whenever a building or use is constructed or changed after the effective date of the Zoning Ordinance, by enlarging the floor plan area, number of employees, number of dwelling units, seating capacity or otherwise, to create a requirement for an increase in the number of parking spaces, such space shall be provided on the basis of the enlargement or change in use.

**Sec. 110-163. Loading requirements.**

(a) On the same premises with every building devoted to retail trade, retail and wholesale food markets, warehouses, supply houses, wholesale and manufacturing trade, hotels, hospitals, laundry, dry cleaning establishments or other buildings where large amounts of goods are received or shipped, erected in any zone after the effective date of the Zoning Ordinance, shall provide loading and unloading space as follows:

(1) Buildings of less than ten thousand (10,000) square feet area must provide at the rear of each establishment a loading and unloading space which is adequate for the particular type of business.

(2) Buildings of ten thousand (10,000) square feet of floor area and over must provide one (1) off-street loading and unloading space within minimum dimensions of ten (10) feet by twenty-five (25) feet by fifteen (15) feet overhead clearance, plus one (1) additional such space for each additional fifteen thousand (15,000) square feet of floor space or major fraction thereof.

(3) Loading space being maintained in connection with any existing building on the effective date of the ordinance from which this provision derives shall thereafter be maintained so long as such building remains, unless an equivalent number of such spaces are provided conforming to the requirements of this section; provided, however, that this regulation shall not require the maintenance of more loading space than is required for a new building.

(b) Supervised living facilities and other health care institutions or other buildings where large amounts of goods are received or shipped, erected in any zone after the effective date of the Zoning Ordinance, shall provide loading and unloading space as follows:

(1) Off -street facilities shall be provided and maintained for receiving and loading of merchandise, supplies and materials within a building or on the premises.

(2) Required off-street loading facilities may be adjacent to a public alley or private service drive, or may consist of a berth within a structure.

(3) No portion of a loading facility may extend into a public right-of-way.

(4) The off-street loading spaces or truck berths shall provide maneuvering areas on site to prevent any blockage of public right-of-way.

**Sec. 110-164. Mining, excavation, soil removal.**

No mining, excavation, or soil removal except in connection with construction covered by building permit.

**Sec. 110-165. Number of main buildings -- Residential.**

Only one (1) main building for single-family, two-family, or multifamily residential use, with permitted accessory buildings may be located upon any one (1) lot.

**Sec. 110-166. Same -- Nonresidential.**

Where a lot is used for retail, commercial, industrial or combination of same, more than one (1) main building may be located upon the lot but only when such building conforms to all the open space, parking and density requirements applicable to the uses and zones and when all such main buildings face upon a street.

**Sec. 110-167. Same -- Facing streets.**

Whenever two (2) or more main buildings, or portions thereof, are placed upon a single lot and such buildings will not face upon a street, the same may be permitted when the site plan for such development is approved by the city planning commission so as to comply with the normal requirements for platting.

**Sec. 110-168. Screening.**

Screening consisting of either masonry, or berms with adequate trees or shrubs, or chain link fencing with adequate trees or shrubs shall be required when a business, commercial or industrial building backs up to either a major city street or a state highway and there are garbage receptacles, work vehicles and other common but unsightly operational or back-door materials visible. Such screening must be thick or dense enough to hide the unsightly items up to height of at least six (6) feet.

**Sec. 110-169. Permits for multiple buildings.**

Whenever an area or tract of land under one (1) or several ownerships is proposed for development with more than one (1) main building, permits may be issued for housing projects, shopping centers, institutions, industrial development, or a combination development of two (2) or more uses when the same is issued with the approval of the planning commission.

**Sec. 110-170. Height restrictions generally.**

No structure shall be built with a height of more than one hundred forty (140) feet within the thousand (10,000) feet of the center of the airport. No structure shall be built with a height of more than one hundred (100) feet within three (3) miles of either end of and in a line with any runway of an airport.

**Sec. 110-171. Sight-obstruction at intersections.**

On any corner lot on which front and side yards are required, no fence, structure, sign, tree, shrub, or hedge may be maintained within a twenty-five (25) foot isosceles triangle formed by the lot lines on the corner, as to cause danger to traffic by obstructing the view.

**Sec. 110-172. Fences -- When required.**

Where any R-4, B, C, or M zone abuts a single - family residence zone on either side or rear, the R-4, B, C, or M zone must provide a fence that is a minimum of six (6) feet and a maximum of seven (7) feet in height and that is solid enough to prevent lights shining through it. In addition, a B, C, or M zone must provide a five-foot setback except as otherwise provided in this Code, when it abuts a residential zone on either side or rear.

**Cross reference** -- Fence required for swimming pools, § 14-272.

**Sec. 110-173. Same -- Construction permits required.**

(a) It shall be unlawful for any person, business, partnership, corporation, or other entity, to commence the construction, enlargement, extension or relocation of a fence without first obtaining a permit from the building official for such work. There shall be no fee charged for a fence permit.

(1) *Application.* Application for a fence construction permit shall be made to the building official on forms provided for that person.

(2) *Requirements.* The building official shall require that every application for a fence construction permit be accompanied by one (1) copy of a plan or plot drawn to scale and showing the following in sufficient detail to enable the building official to ascertain whether the proposed fence and its placement is in accordance with this chapter:

a. *Lot dimensions and corners.* The actual shape, proportion and dimensions of the lot or lots to be built upon and satisfactory evidence that actual corners of the lot or lots are known and are identified by stakes or rods and established on the ground. The proposed fence should be within the owner's property line or lines of the lot or lots seeking the permit.

b. *Existing yards.* The dimensions of all yards and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of the chapter are being observed.

**c. Proposed structures.**

1. The shape, height, type, quality, fabric, and location of all fences to be constructed, enlarged, extended or moved and of any fences or other structures already on the lot.

2. All wood materials shall be naturally decay resistant or pressure treated exterior grade, such as redwood or cedar, or other materials acceptable to the city.

3. All nails or fasteners shall be of no rusting, noncorrosive metal such as hot dipped galvanized steel. All nails or fasteners shall be of the type (such as screw shank, ring shank, or divergent point staples) that when properly driven, will not work free, due to wind, vibration or shrinkage of members.

4. All materials shall be securely fastened, vertical boards to horizontal stringers, stringers to vertical posts, top rail, to ensure an ongoing attractive appearance and safe condition, free from rust, rot, vandalism, and other sources of decay.

(3) *Issuance.* If the proposed fence as set forth in the application is in conformity with the provisions of this chapter, the building official shall issue a fence permit.

(4) *Disapproval.* If an application for a fence permit is not approved, the building official shall state in writing on the application the reasons for such disapproval.

(b) No fence or enclosure shall exceed a height of seven and one half (7 1/2) feet measured from the ground directly below the fence, with the following exceptions:

(1) The side of the property abutting an arterial street or state highway may have fences up to eight and one-half (8 1/2) feet in height.

(2) Business properties in business, commercial and manufacturing zones (B-1 through M-2) may, for security purposes, have fences up to ten (10) feet in height.

(c) No fence or enclosure shall extend closer to any street right-of-way line than the building line in front (see section 110-2 building line definition, being the front of the building) and the point of intersection of the building line with the property line on the side, except for –picket, chainlink, and ornamental see – thru fences are to be permitted in front of the building line on those lots platted prior to the date of the ordinance. Fences on corner lots must allow clear traffic line of sight, and be no more than 4' in height. Any plants, trees, etc. planted must also allow clear traffic line of sight. Also, when the lot is at least one (1) acre or more, ornamental see – thru (spaces six (6) inches to eighteen (18) inches in width) iron or steel fences with brick pillars may be erected up to and along the minimum setback line in front and on the property line on the side to its intersection with the minimum setback line in front.

(d) All fences shall be maintained by the property owner / lessee and shall be kept clean, free from all hazards such as, but not limited to faulty and loose fastenings, nails, boards, so as not to be detrimental to the public health and safety.

(e) Standard chain link or wood fencing is approved. Prohibited fencing includes, but is not limited to plywood, corrugated metal, chicken wire, cardboard, barbed wire or similar type fences.

(f) A fence shall not be considered a "structure" as defined in Section 103.6 of the Standard Building Code (1994) and Section 103.6 of the Standard Building Code shall not be applicable to any fence constructed in the City of Sweeny.

#### **Sec. 110-174. Surfacing of off-street parking areas.**

All off-street parking areas should be graded and paved with an all weather type pavement, either concrete, asphalted concrete or other surfacing material.

**Sec. 110-175. Lot widths.**

For the purpose of determining the minimum required width of the lot for building purposes, the width required may be measured at either the front line or the building line, whichever is greater, as long as either the front line or the building line meet the minimum requirement for the frontage of the lot or site under this Code for the particular zone and the lot meets the total square footage requirement of the Code for that zone.

**Sec. 110-176. Tents in business and commercial zones.**

The time period for which a business or other entity may erect or have a tent on their premises in business and commercial zones for the purpose of housing materials, providing cover from the elements, providing for an outside sale area, providing for entertainment, conventions or any other social, business or commercial purpose shall not exceed thirty (30) days total for a calendar year.

**Sec. 110-177. Screen enclosures.****(a) Definitions.**

(1) Screen enclosure: A metal structure completely encapsulated by only a fabric which allows the elements to pass freely through it and has no roof.

(2) Interpretation of the definition of a screen enclosure shall be the duty of the building official.

(3) Appeals of the definition may be made to the zoning board of adjustments through the building official. The decision of the zoning board of adjustment shall be final if no challenge suit is filed in district court within fifteen (15) days after the decision.

(b) Screen enclosures shall not be counted toward total percentage of allowable structures on any lot. This subsection shall apply to all those structures existing on the effective date of the Zoning Ordinance, as well as those that are erected after that date.

**(c) Additionally, screen enclosures shall:**

(1) Be designed and stamped by an engineer to withstand wind load of one hundred twenty (120) miles per hour;

(2) Not encroach onto any easements or setback requirement;

(3) Be considered a structure and a permit is required;

(4) Be exempted from the percentage of lot allowed for buildings or structure; and

(5) Be subject to all other requirements for buildings or structures and those requirements shall be enforced.

**Sec. 110-178. Design limitations.**

(a) The following design limitations shall apply after the effective date of the Zoning Ordinance, when a B-1A, B-2, C-1, C-2, M-1, or M-2 zone lot line is within sixty (60) feet of a single-family residential area lot lines:

(1) All garbage storage shall be screened and located no closer than ten (10) feet from a single-family residential zone and may not be located between the front of the structure and any street right of way.

(2) Unsightly features (loading docks, mechanical equipment, etc.) shall be screened through the use of masonry walls, fencing, berms with adequate trees or shrubs, or chain link fencing with adequate trees or shrubs, all being thick enough to hide the unsightly features from neighboring residential areas.

(3) Hours of operation shall be limited to 5:00 a.m. to 12:00 midnight unless planning commission review determines alternative hours will not adversely impact the neighborhood residents outside normal hours of operations, all external lighting except the necessary for security purposes shall be secured.

(4) No structure shall be located nearer to any single-family residential property than a distance equal to one and one-half (1 1/2) times the height of the exterior walls of such building or structure. But those businesses built prior to March 1, 2000, are exempted from this requirement.

(5) No mechanical, electrical or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other annoyance at nearby residential lot lines shall be permitted. Mechanical and electrical equipment shall be designed and installed to minimize noise impact on surrounding residential property. Additionally, no external amplified sound for other than safety or security purposes is allowed.

(6) Uses that typically and inherently produce significant noise such as tire shops, muffler shops, and car wash facilities are not allowed unless design features are present to eliminate noise that would intrude on the neighborhood.

(7) All exterior signage, both temporary and permanent, shall meet the conducive color standards of section 110-72 (17) and is subject to a design review and placement study by the planning commission. All signage detached from buildings / structures shall meet the requirements of a monument sign as defined in section 78-10 of this Code.

(8) All storage, both temporary and permanent, of materials, pending customer work (i.e., vehicles), freight/deliveries or products intended for sale/lease shall be within the building or structure.

(b) The following performance standards shall be used after the effective date of the Zoning Ordinance for the purpose of evaluating the development proposals when a B-1A, B-2, C-1, C-2, M-1, or M-2 zone lot line is within sixty (60) feet of single-family residential area lot line:

(1) New development shall be designed to be compatible with neighboring residential areas. This shall require that materials used on the outside of the buildings be of earth tone colors conducive to colors in the surrounding residential area.



- a. Colors of awnings should be muted, natural or earth toned and related to major materials of the building.
- b. Window frames may be of an accent color to complement the major wall material.
- c. Paint shall be flat or semi-gloss.
- d. Metal roofs grey, natural green, rust or brown.
- e. Metal canopies dark anodized or black to match roof.

This shall involve the preservation of the character of the character and integrity of residential areas and the maintaining of an appropriate visual and functional interrelationship between residential and commercial uses. Potential intrusive design elements such as traffic circulation and light and glare shall be designed to avoid interference with the residence environment.

(2) The height, scale, mass and bulk of buildings shall not be overbearing in relation to neighboring residential structures. Height, scale, mass and bulk shall also be a function of their proximity to residential structures, with buildings in close proximity made to adhere to a similar scale of development. Potential view impediments shall also be considered.

(3) Architectural styles and features shall be compatible with and complementary to neighborhood residential structures to the extent commercial and residential structures share a visual relationship.

**Sec. 110-179 -- 110-195. Reserved.**

## ARTICLE V11. AIRPORT ZONING

**Sec. 110-196. Airport zoning.**

(Reserved)

**Editor's note** -- The above section is reserved for future airport zoning regulations.

**State law reference** -- Municipal and county zoning authority around airports, V.T.C.A., Local Government Code ch. 241



# AGENDA MEMO

Business of the City Council  
City of Sweeny, Texas

<b>Meeting Date</b>	03/25/2025	<b>Agenda Items</b>	
<b>Approved by City Manager</b>	Yes	<b>Presenter(s)</b>	City Manager
<b>Reviewed by City Attorney</b>		<b>Department</b>	Sidewalks
<b>Subject</b>	Discussion and possible action to an update on Sidewalk repairs.		
<b>Attachments / Supporting documents</b>			
<b>Financial Information</b>	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

**Executive Summary**

Update and further information on needed sidewalk repairs will be given verbally at the Council meeting.



# AGENDA MEMO

## Business of the City Council City of Sweeny, Texas

<b>Meeting Date</b>	03/25/2025	<b>Agenda Items</b>	
<b>Approved by City Manager</b>	Yes	<b>Presenter(s)</b>	
<b>Reviewed by City Attorney</b>		<b>Department</b>	
<b>Subject</b>	Discussion and possible action to requested Council direction for notifications sent out on the city wide call out system.		
<b>Attachments / Supporting documents</b>			
<b>Financial Information</b>	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

### Executive Summary

Staff has been approached to send out calls/notifications on our city wide call out system for charitable organizations and/or community events that are not city sponsored. It has been normal practice to refrain from using the city call out system unless it is for city sponsored events, city issues, or emergencies.

We are looking for Council input on proceeding forward as we do not have an official written policy.

If we were to allow, where do we draw the line? A concern is that if we send too many, residents will ignore when there is a true emergency.

### Recommended Action

Discussion; Action at Council's Discretion