



**NOTICE OF MEETING OF THE  
CITY COUNCIL  
OF  
BUDA, TX  
6:00 PM - Tuesday, March 1, 2022  
Joint Meeting with Planning & Zoning Commission  
Council Chambers, Room 1098  
405 E. Loop Street, Building 100  
Buda, TX 78610**

This notice is posted pursuant to the Texas Open Meetings Act. Notice is hereby given that a **Regular City Council Meeting** of the City of Buda, TX, will be held at which time the following subjects will be discussed and may be acted upon.

**A. CALL TO ORDER**

*Please turn off your cell phone when you approach the podium.*

**B. INVOCATION**

*Pastor David Sweet of Hays Hills Baptist Church*

**C. PLEDGE OF ALLEGIANCE**

**D. ROLL CALL**

**E. ITEMS OF COMMUNITY INTEREST**

**F. PUBLIC COMMENT / PUBLIC TESTIMONY**

*Members of the public who wish to participate in Public Comment must complete a form and turn it into the City Clerk before the period provided for Public Comment is called for consideration by the presiding officer. Members of the public who wish to participate during the Public Testimony period provided for any item on the agenda must complete a form and turn it into the City Clerk before the item they wish to participate in is called for consideration by the presiding officer.*

**G. CONSENT AGENDA [PUBLIC TESTIMONY]**

*All matters listed under this item are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired by any Council Member on any item, that item will be removed from the consent agenda and will be considered separately.*

**G.1. Approval of the February 15, 2022 and February 24, 2022 City Council Minutes (City Clerk Alicia Ramirez)**

[g1 2022-0215 DRAFT Minutes.pdf](#)  
[2022-0224 DRAFT Minutes.pdf](#)

**H. JOINT WORKSHOP WITH PLANNING & ZONING (P&Z)**

*CALL TO ORDER  
ROLL CALL*

- H.1. Workshop, discussion, and possible action regarding the Zoning Districts and Use Chart with discussion regarding the Nonresidential and Special and Form Based Zoning Districts of the Unified Development Code (Planning Director Melissa McCollum)**

[UDC 02.06.05 Use Chart Form Districts etc.pdf](#)

**I. PRESENTATIONS**

- I.1. Presentation on Public Improvement Districts (PIDs), Tax Increment Reinvestment Zones (TIRZ), and Municipal Utility Districts (MUDs) (Finance Director Bianca Redmon, Planning Director Melissa McCollum, Jennifer Ritter, Financial Advisor, and Richard Donoghue, Bond Attorney)**

[Financing Mechanisms Presentation](#)

- I.2. Presentation on the Frontier Communications fiber to premise project to expand fiber broadband service throughout Buda (Deputy City Manager Micah Grau and David Russell, Frontier Communications VP External Affairs)**

[i2 Frontier FiberOptic Buda.pdf](#)

**J. REGULAR AGENDA**

- J.1. Deliberation, update, and possible action to replace interior finishes, and provide furniture, fixtures, & equipment (FF&E) for the former Library at 303 Main Street for the Destination Services office space (Facilities Manager Ray Creswell) [PUBLIC TESTIMONY]**

[j1 Former Library PPP- 03.01.pdf](#)

- J.2. Update on the Alliance Regional Water Authority Phase 1B Construction Project and Financing (ARWA) (Public Works Assistant Director Blake Neffendorf and Graham Moore, PE, Executive Director, Alliance Regional Water Authority)**

[j2 Buda Phase 1B Project Update.pdf](#)

- J.3. Deliberation and possible action to adopt a Resolution authorizing the publication of notice of intention to issue City of Buda, Texas Combination Tax and Limited Revenue Certificates of Obligation, Series 2022 for utility projects as approved in the Fiscal Year 2022 adopted budget, and other matters related thereto (Deputy City Manager Micah Grau and Director of Finance Bianca Redmon) [PUBLIC TESTIMONY]**

[CO Resolution and Notice -dr5 \(final\).pdf](#)

[2022 CO Uses.pdf](#)

[j3 2022 COs.pdf](#)

- J.4. Deliberation and possible action to adopt a Resolution expressing the City of Buda's official intent to reimburse itself from the proceeds of certificates of obligations in an aggregate maximum principle amount of \$8,250,000 for expenditures related to the constructing, improving and/or extending the City's waterworks and sewer system, including RM 967 West utility relocation project, including the acquisition of any necessary easements or land (Bianca Redmon, Director of Finance, Richard Donoghue, Bond Counsel, Jennifer Ritter, Financial Advisor) [PUBLIC TESTIMONY]**

[Reimbursement Resolution](#)

- J.5. Mayor's report on Emergency Management Director activities related to the declared state of disaster regarding COVID-19 and discuss and consider any action or direction considered appropriate and necessary by the City Council to respond to the current State of Disaster as renewed by the Texas Governor

**K. EXECUTIVE SESSION**

- K.1. The Council will recess its open session and convene into executive session pursuant to Texas Government Code on the following: 1) 551.071 (Consultation with Attorney) to direct the City Manager and City Attorney regarding land use regulations and economic development negotiations (pursuant to Section 551.087) involving the commercial development by First Hartford Realty Corporation described as Garlic Creek Commons and located generally on the Southwest corner of FM 967 and FM 1626, Buda, Texas; and 2) Sections 551.071 (Consultation with Attorney) and 551.074 (Personnel Matters) pertaining to the recruitment of a City Manager.

**L. RECONVENE INTO REGULAR SESSION AND TAKE ACTION, IF ANY, ON MATTERS DISCUSSED IN EXECUTIVE SESSION.**

- L.1. Deliberation and possible action to authorize the Employment Agreement appointing Micah Grau as Interim City Manager beginning April 1, 2022 (Human Resources Director Vicki Fuchs) [PUBLIC TESTIMONY]

**M. CITY MANAGER'S REPORT**

COVID-19, 2014 & 2021 Bond Program, Capital Improvement Projects, Developments, Drainage Projects, Engineering Department, Finance Department, General/Special Election, Grant Related Projects, Human Resources, Law Enforcement, Legislative Update, Library Projects, Main Street Program, Parks & Recreation Department, Planning Department, Redistricting Program, Road Projects, Status-Future Agenda Request, Special Projects, Tourism Projects, Transportation, Wastewater Projects, and Water Projects (City Manager Kenneth Williams)

**N. CITY COUNCIL'S BOARD AND COMMITTEE REPORTS**

Alliance Regional Water Authority (Urbanovsky)  
Buda Economic Development Corporation (Ture & Davidson)  
Capital Area Council of Governments General Assembly (Urbanovsky)  
Capital Area Council of Governments Clean Air Coalition (Ture)  
Combined Emergency Communication Center (Urbanovsky)  
Dupre Local Government Corporation (Davidson, Smith, & Urbanovsky)  
Greater San Marcos Partnership (Urbanovsky)

City of Buda Audit Committee (Cummings, Davidson, & Ture)  
City of Buda Information Technology Committee (Daugereau, Horne-Williams, & Smith)  
City of Buda Board & Commission Nomination Committee (Cummings, Daugereau, & Smith)  
City of Buda City Park Planning/Programming Ad-Hoc Committee (Daugereau, Smith, & Ture)  
City of Buda Planning Mobile Food Vendor Ad-hoc Committee (Davidson)  
City of Buda Water/Wastewater Committee (Davidson, Daugereau, & Urbanovsky)

**O. CITY COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS**

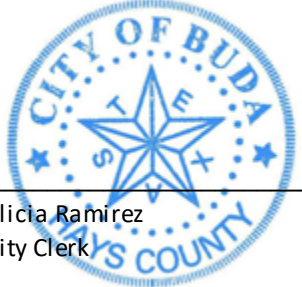
## O.1. Update on Pending Items requested by City Council

[Pending Items.pdf](#)

### P. ADJOURNMENT

*Requests for accommodations must be made 48 hours prior to the meeting. Please contact the City Clerk at (512) 523-1014, or FAX (512) 641-5817 for information or assistance.*

*I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Governing Body of the City of Buda, was posted on the bulletin board in front of Buda City Hall, which is readily accessible to the public at all times, by 6:00 pm on February 25, 2022.*

/s/   
Alicia Ramirez  
City Clerk

Meetings scheduled in the Council Chambers are set up to publicly broadcast meetings. You may be audio and video recorded while in this facility. Meetings scheduled in other City Facilities are set up to publicly audio record meetings. You may be audio recorded in the other City Facilities.

In accordance with Article III, Section 3.10, of the Official Code of the City of Buda, the minutes of this meeting consist of the preceding Minute Record and the Supplemental Minute Record. Details on Council meetings may be obtained from the City Clerk's Office, or video of the entire meeting may be downloaded from the website. (Portions of the Supplemental Minute Record video tape recording may be distorted due to equipment malfunction or other uncontrollable factors.)

A Public Comment period will be provided to allow for members of the public to participate and speak to the City Council on any topic that is not on the meeting agenda. At this time, comments will be taken from the audience on non-agenda related topics. A Public Testimony period will be provided at each meeting of the City Council to allow members of the public to participate and speak to the City Council on any topic that is on the meeting agenda, prior to any vote on the matter up for consideration. During these periods, the presiding officer shall routinely provide three (3) minutes to each person who desires to speak but may provide no less than one (1) minute and no more than five (5) minutes to each person addressing the City Council. The amount of time provided to each person, if altered by the presiding officer, shall be announced by the presiding officer prior to recognizing persons to speak and shall be objectively applied to all persons speaking during Public Comment or each Public Testimony period.

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

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

**Attendance by Other Elected or Appointed Officials:** It is anticipated that members of other governmental bodies, and/or city boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a possible meeting of the other body, board, commission and/or committee, whose members may be in attendance, if such numbers constitute a quorum. The members of the boards,



commissions and/or committees may be permitted to participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that body, board, commission or committee subject to the Texas Open Meetings Act.

**CALL TO ORDER**

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

**ROLL CALL**

City Clerk Alicia Ramirez certified a quorum with the following Councilmembers present:

Mayor Lee Urbanovsky  
Mayor Pro Tem (SMD B) Evan Ture  
Councilmember, SMD A Paul Daugereau  
Councilmember, SMD C Terry Cummings  
Councilmember At-Large, Position 1 Matt Smith  
Councilmember At-Large, Position 2 Monica Davidson  
Councilmember At-Large, Position 3 LaVonia Horne-Williams  
City Manager Kenneth Williams

City Staff in attendance: Deputy City Manager Micah Grau, Assistant City Manager Lauren Middleton-Pratt, City Clerk Alicia Ramirez, Chief of Police Bo Kidd, Finance Director Bianca Redmon, City Engineer John Nett, Senior Project Engineer Angela Kennedy, Parks & Recreation Director Greg Olmer, Public Works Director Mike Beggs, Communications Director LaMarriol Smith, and Human Resources Director Vicki Fuchs

**ITEMS OF COMMUNITY INTEREST**

- Early Voting, February 14 – February 25
- Buda Black History Celebration, February 19
- Buda Crawfest, February 26-27
- Presidents Day, February 21; essential services will be provided
- Buda Trash Off, February 9
- Buda Public Library Survey
- Buda Boards & Commissions

**PROCLAMATION**

**TRIPP CHILDRESS DAY, TO HOST A MEDICAL BENEFIT ON FEBRUARY 27, 2022, RECEIVED BY #TRIPPSARMY REPRESENTATIVES**

**PRESIDENT GEORGE WASHINGTON DAY, FEBRUARY 22, 2022, RECEIVED BY STUART HOYT, REGISTRAR AND PROCLAMATION COMMITTEE MEMBER OF THE TEXAS SONS OF THE AMERICAN REVOLUTION, WILLIAM HIGHTOWER CHAPTER 35**

**PUBLIC COMMENTS**

None.

**CONSENT AGENDA**

**APPROVAL OF THE FEBRUARY 1, 2022 CITY COUNCIL MINUTES**

**ACCEPTANCE OF THE CITY'S INVESTMENT REPORT FOR THE QUARTER ENDING DECEMBER 31, 2021**

**SUBMITTAL OF THE FISCAL YEAR 2022 FIRST QUARTER FINANCIAL UPDATE**

Motion, to approve the consent agenda, except items: BEDC Budget, Library Grant, and AARP, was made by Councilmember Ture and seconded by Councilmember Smith. Motion carried unanimously.

**APPROVAL OF A BUDA ECONOMIC DEVELOPMENT CORPORATION (BEDC) FY21-22 BUDGET AMENDMENT TO ALLOCATE ADDITIONAL FUNDS IN AN AMOUNT NOT TO EXCEED \$8,500 (EIGHTY-FIVE HUNDRED DOLLARS) FOR PROFESSIONAL DEVELOPMENT OF BEDC STAFF**

BEDC Executive Director Traci Anderson presented background information. Ms. Anderson informed the professional development was for the executive director.

Motion, to approve the budget amendment, as presented, was made by Councilmember Daugereau and seconded by Councilmember Horne-Williams. Motion carried unanimously.

**AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE ST. DAVID'S FOUNDATION FOR THE "LIBRARIES FOR HEALTH" PROGRAM AND GRANT**

Library Director Melinda Hodges presented background information.

Councilmember Cummings noted the background information was insufficient. Ms. Hodges noted the report would provide additional medical resources.

Motion, to authorize the agreement, as presented, was made by Councilmember Smith and seconded by Councilmember Cummings. Motion carried unanimously.

**ADOPTION OF RESOLUTION #2022-R-07 AUTHORIZING A LETTER OF COMMITMENT AND AUTHORIZING THE TASK FORCE ON AGING TO SUBMIT THE NECESSARY DOCUMENTATION FOR THE CITY OF BUDA TO APPLY TO JOIN THE AARP AGE-FRIENDLY COMMUNITIES NETWORK**

Executive Assistant to City Manager Isabel Fernandez and Jeff Kaufman of the Taskforce on Aging presented background information. *A copy of the presentation is part of the supplemental minute record.*

Public Testimony was made by Diana Woods regarding the grant and STAR Transportation Services.

Councilmember Cummings commended Mr. Kaufman and the committee for their efforts. Councilmember Daugereau concurred.

Motion, to adopt the Resolution, as presented, was made by Mayor Urbanovsky and seconded by Councilmember Ture. Motion carried unanimously.

## **WORKSHOP**

BEDC Executive Director Anderson called the joint meeting to order at 6:02 p.m.

BEDC Anderson certified a quorum with the following Directors present:

President Jennifer Storm  
Vice President Amy Martin  
Treasurer LaVonnia Horne-Williams  
Secretary Betsy Urban  
Monica Davidson  
Evan Ture

Tim Otto was absent from the meeting.

### **JOINT WORKSHOP BETWEEN THE BUDA EDC AND THE CITY OF BUDA CITY COUNCIL TO REVIEW, DISCUSS, CONSIDER, AND APPROVE THE INCENTIVE POLICY**

BEDC Executive Director Traci Anderson presented background information. *A copy of the presentation is part of the supplemental minute record.*

General discussion was held on Incentive Task Force (ITF) member composition, Section 4, and the recommended edits.

In conclusion, the BEDC and City Council agreed on the following edits:

- Section 4.1.2 – remove the word “highway”
- Section 4.1.3 – remove completely
- Section 4.2.1 (A) – Add: “See full target list here” this adds the link to see the target industries/NAICS codes
- Remove colons after each line in section 4.2.1 (A-D)
- Add Section 4.2.1 (E) Generates Property Tax
- Add Section 4.2.1 (F) Generates Sales Tax
- Application: include a link to NAICS Codes

Motion, to adopt the Resolution, including the recommended edits, as presented, was made by Mayor Urbanovsky and seconded by Councilmember Horne-Williams. Motion carried unanimously.

City Manager Kenneth Williams commended the team for the great collaboration between the BEDC and Staff. He also noted as a team, the ITF is mainly in agreement when determining project approvals. Ms. Anderson added the ITF clarified the quorum versus majority present at meetings, and all agreed on the majority present.

Motion, to adopt the Resolution approving the Incentive Task Force Policy, as presented with the recommended edits, was made by Councilmember Ture and seconded by Councilmember Horne-Williams. Motion carried unanimously.

Motion, to adopt the Resolution approving the Incentive Task Force Policy, as presented with the recommended edits, was made by Councilmember Ture and seconded by Councilmember Horne-Williams. Motion carried unanimously.

Joint meeting adjourned at 6:58 p.m.

## **PRESENTATIONS**

### **PRESENTATION OF THE 2021 RACIAL PROFILING STATISTICS REPORT**

Police Chief Bo Kidd presented background information. *A copy of the presentation is part of the supplemental minute record.*

### **PRESENTATION OF THE POLICE DEPARTMENT STAFFING STUDY**

Police Chief Bo Kidd & Human Resources Director Vicki Fuchs, John Scruggs of The Matrix Group presented background information. *A copy of the presentation is part of the supplemental minute record.*

General discussion was held on the future needs of the department, potential civilian positions, future annexations and related impacts, and population projections.

City Manager Kenneth Williams added such document is used to plan for future needs. He informed the department started with a budget of \$750K and now the budget is \$3.9 million. Mr. Williams informed the City has been responsible for keeping pace with the community's growth and within the approved budget.

## **REGULAR AGENDA**

### **AWARD OF RFQ 22-003 TO K. FRIESE AND ASSOCIATES AND AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH K. FRIESE AND ASSOCIATES IN RESPONSE TO A REQUEST FOR QUALIFICATIONS FOR WATER MASTER PLANNING SERVICES**

Purchasing Manager Charles Oberrender and Senior Project Engineer Angela Kennedy presented background information. *A copy of the presentation is part of the supplemental minute record.*

Motion, to award RFQ 22-003 to K. Freise and Associates and authorize the City Manager to execute said agreement, upon approval to form by City Attorney, was made by Councilmember Smith and seconded by Councilmember Davidson. Motion carried unanimously.

### **AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH FREESE & NICHOLS, INC., TO CONDUCT A WATER AND WASTEWATER IMPACT FEE UPDATE STUDY, SUBJECT TO APPROVAL TO FORM BY THE CITY ATTORNEY**

City Engineer John Nett; Jessica Vassar, Freese & Nichols presented background information. *A copy of the presentation is part of the supplemental minute record.*

Public comment was made by James Fort of 140 Wild Wind Cove.

Motion, to authorize the agreement, as presented, was made by Councilmember Davidson and seconded by Councilmember Cummings. Motion carried unanimously.

**AWARD CONTRACT #2022-002 FOR MUNICIPAL COURT AND UTILITY COLLECTION SERVICES TO MVBA FOR A THREE (3) YEAR PERIOD AND TO AUTHORIZE THE CITY MANAGER TO EXECUTE SAID CONTRACT**

Finance Director Bianca Redmon, Purchasing Manager Charles Oberrender presented background information. *A copy of the presentation is part of the supplemental minute record.*

City Council expressed concerns regarding the contract term and suggested adding a term limit. The past revenue generated by MVBA is seen as insufficient, and their lack of success in collecting outstanding warrants.

Further discussion was held on alternatives to collect outstanding fees.

City Manager Kenneth Williams noted most cities are in the same situation. He stated the status might change with the new auditors as they review the outstanding balance and how to report it.

Responding to a question by Councilmember Davidson, Ms. Redmon informed the City maintains ten years of collections, writing off approximately \$80-90K.

*Councilmember Smith left the meeting at 8:15 p.m. and did not return.*

Motion, to award contract to MVBA for a three-year term limit, and to authorize the City Manager to execute said agreement, was made by Councilmember Ture and seconded by Councilmember Cummings. Motion carried unanimously.

**APPROVAL A HOTEL OCCUPANCY TAX REIMBURSEMENT GRANT FOR BUDA CRAWFEST HOSTED BY HAPPY HOBO LLC AT THE BUDA AMPHITHEATER AND CITY PARK ON FEBRUARY 26, 2022**

Destination Services Director Lysa Gonzales presented background information. *A copy of the presentation is part of the supplemental minute record.*

General discussion was held on the number of vendors, the full rental of City Park, the event uniqueness as this is a ticketed event, and lessons to be learned.

Responding to a question by Councilmember Horne-Williams, Ms. Gonzales informed the applicant is meeting with the Buda Police Department staff to review the parking plan and related impacts.

Motion, to approve the grant for \$7500 to reimbursement advertising services, as presented, was made by Councilmember Davidson and seconded by Councilmember Daugereau. Motion carried unanimously.

**APPROVAL TO APPOINT COUNCILMEMBER HORNE-WILLIAMS TO CITY OF BUDA INFORMATION TECHNOLOGY COMMITTEE**

City Clerk Alicia Ramirez presented background information. *A copy of the presentation is part of the supplemental minute record.*

Motion, to appoint Councilmember Horne-Williams to the IT Committee, was made by Mayor Urbanovsky and seconded by Councilmember Ture. Motion carried unanimously.

**MAYOR'S REPORT ON EMERGENCY MANAGEMENT DIRECTOR ACTIVITIES RELATED TO THE DECLARED STATE OF DISASTER REGARDING COVID-19 AND DISCUSS AND CONSIDER ANY ACTION OR DIRECTION CONSIDERED APPROPRIATE AND NECESSARY BY THE CITY COUNCIL TO RESPOND TO THE CURRENT STATE OF DISASTER AS RENEWED BY THE TEXAS GOVERNOR**

**RECESS**

At 9:29 p.m., Mayor Urbanovsky called for a recess.

**RECONVENE**

At 9:35 p.m., Council reconvened, and the following business was transacted:

**EXECUTIVE SESSION**

At 9:35 p.m., Council convened in executive session pursuant to the Texas Government Code Chapter 551 Chapter 551, to deliberate upon and seek legal advice on the following: 1) Section 551.071 (Consultation with Attorney) regarding Barr Co., AIA, v. City of Buda, Cause No. 21-0838, in the District Court of Hays County, and related matters, and 2) Sections 551.071 (Consultation with Attorney) and 551.074 (Personnel Matters) pertaining to the recruitment of a City Manager.

**RECONVENE**

At 10:24 p.m., Council reconvened, and the following business was transacted and action taken, if any, on matters discussed in executive session.

No action.

**CITY MANAGER'S REPORT**

- COVID-19
- 2014 & 2021 Bond Program
- Capital Improvement projects
- Destination Services Projects
- Developments
- Drainage Projects
- Engineering Department
- Finance Department
- Grant-related Projects
- Law Enforcement
- Legislative Update
- Library Projects
- Parks & Recreation Department
- Planning Department
- Road Projects
- Special Projects
- Status on Requested Future Items
- Strategic Plan
- Wastewater Projects
- Water Projects

City Manager Kenneth Williams provided an update on the following:

- City offices closed for Presidents Day; essential services will be open

- Project 1A reached substantial completion
- Installing a Downtown Parking electric charging station; City received a grant and should be live in March: additional charging station off South Loop 4
- Cabelas Connector: Bid release February 2022
- Legislative Services: Bid release February 16, 2022
- Bond Oversight meeting February 24, 2022
- Frontier Communications to install fiber in Buda; future Council presentation
- Attended Transportation Forum in San Antonio: reviewed proposed projects in 2022 and 2023; direct funds available from the Federal Government. A presentation from the event will be forwarded to Council.

#### **CITY COUNCIL'S BOARD AND COMMITTEE REPORTS**

Alliance Regional Water Authority (Urbanovsky)

Buda Economic Development Corporation (Ture) *Davidson distributed the new BEDC Marketing Signs; Dawson working on the City Engineers Report regarding land & land use categories; Hosting a webinar on the employee credit program; Air Gas groundbreaking ceremony, 2/22- 127 Tradeway Drive*

Capital Area Council of Governments General Assembly (Urbanovsky)

Capital Area Council of Governments Clean Air Coalition (Ture)

Combined Emergency Communication Center (Urbanovsky)

Dupre Local Government Corporation (Davidson, Smith, & Urbanovsky)

Greater San Marcos Partnership (Urbanovsky)

City of Buda Audit Committee (Cummings, Davidson, & Ture)

City of Buda Information Technology Committee (Cummings, Daugereau, & Smith)

City of Buda Board & Commission Nomination Committee (Cummings, Daugereau, & Smith)

City of Buda City Park Planning/Programming Ad-Hoc Committee (Daugereau, Smith, & Ture) *April 2 – Buda Birthday Bash – possibly a couple of bands*

City of Buda Planning Mobile Food Vendor Ad-Hoc Committee (Davidson)

City of Buda Water/Wastewater Committee (Urbanovsky, Davidson, & Daugereau)

#### **CITY COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS**

Councilmember Cummings requested a presentation regarding residential homestead exemption similar to a program recently adopted by the City of San Marcos, include impact on property taxes, and revenues at different levels.

Councilmember Davidson announced Milestone Developer is coordinating community meetings regarding a residential development on the Bailey and Armbruster Tracts located within the cities of Buda and Austin Extra Territorial Jurisdiction (ETJ).

#### **ADJOURNMENT**

Motion, to adjourn the meeting, was made by Mayor Urbanovsky and seconded by Councilmember Ture. Motion carried unanimously.



There being no further business, the meeting was adjourned at 10:59 p.m.

**THE CITY OF BUDA, TEXAS**

\_\_\_\_\_  
Lee Urbanovsky, Mayor

ATTEST:

\_\_\_\_\_  
Alicia Ramirez, TRMC                      DATE  
City Clerk

**In accordance with Article III, Section 3.10, of the Official Code of the City of Buda, the minutes of this meeting consist of the preceding Minute Record and the Supplemental Minute Record. Details on Council meetings may be obtained from the City Clerk's Office, or audio or video of the entire meeting may be downloaded from the website. (Portions of the Supplemental Minute Record audio or videotape recording may be distorted due to equipment malfunction or other uncontrollable factors.)**

**CALL TO ORDER**

Mayor Urbanovsky called the meeting to order at 5:31 p.m.

**ROLL CALL**

City Clerk Alicia Ramirez certified a quorum with the following Councilmembers present:

Mayor Lee Urbanovsky  
Councilmember, SMD A Paul Daugereau  
Councilmember, SMD C Terry Cummings  
Councilmember At-Large, Position 1 Matt Smith  
Councilmember At-Large, Position 2 Monica Davidson  
Councilmember At-Large, Position 3 LaVonja Horne-Williams

Mayor Pro Tem (SMD B) Evan Ture was absent and expected to attend later in the meeting.

City Staff in attendance: City Clerk Alicia Ramirez and Human Resources Director Vicki Fuchs

**EXECUTIVE SESSION**

**At 5:32 p.m., Council convened in executive session pursuant to the Texas Government Code Chapter 551 Chapter 551, Section 551.071 (Consultation with Attorney) and 551.074 (Personnel Matters) pertaining to the annual evaluation, compensation, and employment of the City Manager.**

**RECONVENE**

At 7:07 p.m., Council reconvened, and the following business was transacted and action taken, if any, on matters discussed in executive session.

No action was taken.

**ADJOURNMENT**

Motion, to adjourn the meeting, was made by Mayor Urbanovsky and seconded by Councilmember Smith. Motion carried unanimously.

There being no further business, the meeting was adjourned at 7:07 p.m.

**THE CITY OF BUDA, TEXAS**

ATTEST:

\_\_\_\_\_  
Lee Urbanovsky, Mayor

\_\_\_\_\_  
Alicia Ramirez, TRMC                      DATE  
City Clerk

**In accordance with Article III, Section 3.10, of the Official Code of the City of Buda, the minutes of this meeting consist of the preceding Minute Record and the Supplemental Minute Record. Details on Council meetings may be obtained from the City Clerk's Office, or audio or video of the entire meeting may be downloaded from the website. (Portions of the Supplemental Minute Record audio or videotape recording may be distorted due to equipment malfunction or other uncontrollable factors.)**



# City Council Agenda Item Report

Date: Tuesday, March 1, 2022

## Agenda Item No. 2019-333- #H.1

Contact: Melissa McCollum

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**Subject: Workshop, discussion, and possible action regarding the Zoning Districts and Use Chart with discussion regarding the Nonresidential and Special and Form Based Zoning Districts of the Unified Development Code (Planning Director Melissa McCollum)**

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### 1. Executive Summary

This is a future agenda item request from City Council to discuss the Form Based Code and Business Zoning Districts. This will be a joint workshop with Planning and Zoning Commission to discuss any possible changes needed to the Unified Development Code (UDC).

The Planning and Zoning Commission at previous meetings have discussed the Form Based Code as well as the Corridor and Overlay District Uses. Attachments are segments from the UDC which will help with review of overlays, and overall use chart to help with questions regarding the uses allowed within the City adopted Zoning districts. Attached is the Use Chart 2.06.05, Conditional Standards Section 2.06.06, Form Based Building Types 2.08.07, Residential Adjacency requirements for business zoning adjacent to residential zoning district 2.09.06, SUP regulations 2.10.09, and Rural Heritage (2.10.11) and Gateway Corridor (2.10.12) Overlays.

### 2. Background/History

Staff recommended a joint meeting with the Planning and Zoning Commission (P&Z). Any changes to the UDC will be processed through P&Z for recommendation and City Council for consideration and approval. This workshop gives the Council and Commission the opportunity to discuss and staff the ability to help answer questions.

### 3. Staff's review and analysis

No analysis at this time. Staff has pulled sections from the UDC for discussion.

### 4. Financial Impact

N/A

### 5. Strategic Plan

This supports the Top Priority of the Strategic Plan in the Policy Agenda for Development Process Refinements. The UDC should be evaluated and refined with input from the policy and decision makers.

**6. Summary/Conclusion**

Workshop discussion and a Joint Meeting of City Council and P&Z. This will give the Commission and Council the ability to direct staff for possible revisions and refinements of the UDC.

**7. Pros and Cons**

N/A

**8. Alternatives**

N/A

**9. Recommendation**

Seek input and possible direction from the P&Z and City Council regarding the UDC uses and Form District (Special Districts) outlining any potential requested modifications and changes.

## 2.06.05. Use Chart

| Residential Uses                               |     |     |     |     |     |     |      |     |     |     |    |    |      |      |      |      |      |      |      |  |
|--|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|----|----|------|------|------|------|------|------|------|--|
|  | AG  | R-1 | R-2 | R-3 | R-4 | R-5 | R-MH | B-1 | B-2 | B-3 | LI | HI | F1   | F3   | F3H  | F4   | F4H  | F5   | F5H  | Parking Requirement (spaces:increment)                                     |
| Community Home or Group Home                   | P-1 | P-1 | P-1 | P-1 | P-1 | P-1 | P-1  |     |     |     |    |    |      |      |      |      |      |      |      | 1 : bedroom  |
| Dwelling, Accessory                            | P-2 | P-2 | S-2 | S-2 | S-2 | S-2 |      |     |     |     |    |    |      | P-25 | P-25 | P-25 | P-25 | P-25 | P-25 | 1 : unit   |
| Dwelling, Multi-Family (Apartment)             |     |     |     |     |     | P   |      |     |     |     |    |    |      |      |      | S-25 |      | S-25 | S-25 | Studio   1 : unit  |
| Dwelling, Multiplex (3-Plex/4-Plex)            |     |     |     |     | P   | P   |      |     |     |     |    |    |      | P-26 | P-26 | P-26 | P-26 | P-26 |      | 1-2 BR   2 : unit<br>3+ BR   0.5 : add'l BR over 2<br>Guest   1 : 10 units |
| Dwelling, Single Family (Attached – Duplex)    |     |     |     | P   | P   | P   |      |     |     |     |    |    |      | P-25 | P-25 | S-25 | P-25 |      |      | 2 : dwelling   |
| Dwelling, Single Family (Attached – Townhouse) |     |     |     | P   | P   | P   |      |     |     |     |    |    |      |      |      | P-25 | P-25 | P-25 | P-25 | 2 : dwelling   |
| Dwelling, Single Family (Detached)             | P   | P   | P   | P   |     |     |      |     |     |     |    |    | P-25 | P-25 | P-25 | P-25 | P-25 |      |      | 2 : dwelling   |
| Dwelling, Single Family (Patio Home)           |     |     |     | P   |     |     |      |     |     |     |    |    |      | P    | P    | P    | P    |      |      | 2 : dwelling   |
| Halfway House                                  | P-3 | P-3 | P-3 | P-3 | P-3 | P-3 | P-3  |     |     |     |    |    |      |      |      |      |      |      |      | 1 : bedroom  |
| Innovative Residential Development             | P-4 | P-4 | P-4 | P-4 | P-4 | P-4 |      |     |     |     |    |    | P-4  | P-4  | P-4  | P-4  | P-4  |      |      | Based on dwelling type   |
| Manufactured Home                              |     |     |     |     |     |     | P-5  |     |     |     |    |    |      |      |      |      |      |      |      | 2 : dwelling   |
| Modular Home                                   | P-6 | P-6 | P-6 | P-6 | P-6 | P-6 |      |     |     |     |    |    |      |      |      | P-6  | P-6  | P-6  | P-6  | 2 : dwelling   |
| Short-Term Residential                         | P-7 | P-7 | P-7 | P-7 | P-7 | P-7 |      |     |     |     |    |    |      | P-7  | P-7  | P-7  | P-7  | P-7  | P-7  | Based on dwelling  |

|   |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |  |
|---|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--|
| Rental  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | type                                   |
| Nonresidential Uses   |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |  |
|   | AG   | R-1  | R-2  | R-3  | R-4  | R-5  | R-MH | B-1  | B-2  | B-3  | LI   | HI   | F1   | F3   | F3H  | F4   | F4H  | F5   | F5H  | Parking Requirement (spaces:increment) |
| Adult Day Services Center   |      |      |      |      |      |      |      | S    | S    | S    |      |      | P    | P    |      | S    |      | S    | S    | 1 : 2 guests                           |
| Adult Entertainment   |      |      |      |      |      |      |      |      |      |      |      | P-8  |      |      |      |      |      |      |      | 1 : 300                                |
| Agricultural Use  | P-10 | P-10 | P-10 | P-10 | P-10 | P-10 | P-10 | P-10 | P-10 | P-10 | P-10 | P-10 | P-10 | P-10 | P-10 | P-10 | P-10 | P-10 | P-10 | 1 : 1,000 of enclosed areas            |
| Ambulance Service   |      |      |      |      |      |      |      |      |      | P    | P    |      |      |      |      |      |      |      |      | 1 : 400                                |
| Amusement, Commercial (Indoors)                                     |      |      |      |      |      |      |      | S    | S    | P    | P    |      |      |      |      | S    |      | S    | S    | 1 : 300                                |
| Amusement, Commercial (Outdoors)                                    |      |      |      |      |      |      |      |      | S    | S    | S    |      |      |      |      | S    |      | S    | S    | 1 : 3 patrons                          |
| Animal Shelter or Pet Boarding (with Outside Yard/Kennels)          | S    |      |      |      |      |      |      | S    | S    | S    |      |      |      |      |      |      |      |      |      | 1 : 400                                |
| Animal Shelter or Pet Boarding (without Outside Yard/Kennels)       | S    |      |      | S    | S    | S    |      | P    | P    | P    | P    |      |      | S    |      | S    | S    |      |      | 1 : 400                                |
| Animal Veterinary Office or Grooming (with Outside Yard/Kennels)    |      |      |      |      |      |      |      | S    | S    | S    |      |      |      |      |      |      |      |      |      | 1 : 400                                |
| Animal Veterinary Office or Grooming (without Outside Yard/Kennels) |      |      |      | S    | S    | S    |      | P    | P    | P    | P    |      |      | S    |      | S    | S    | S    | S    | 1 : 400                                |
| Antique Shop  |      |      |      |      |      |      |      | P    | P    | P    |      |      |      | P    |      | P    | P    | P    | P    | 1 : 300                                |
| Art Gallery or Museum   |      |      |      |      |      |      |      | P    | P    | P    |      |      |      | P    |      | P    | P    | P    | P    | 1 : 300                                |

|  | AG | R-1 | R-2 | R-3 | R-4 | R-5 | R-MH | B-1  | B-2 | B-3  | LI  | HI  | F1 | F3   | F3H | F4   | F4H  | F5   | F5H  | Parking Requirement<br>(spaces:increment)                         |
|--|----|-----|-----|-----|-----|-----|------|------|-----|------|-----|-----|----|------|-----|------|------|------|------|---|
| Artisan's Studio   |    |     |     |     |     |     |      | P    | P   | P    | P   | P   |    | S    |     | P    | P    | P    | P    | 1 : 300   |
| Assisted Living/Nursing Home   |    |     |     |     | P   | P   |      | S    | P   | P    |     |     |    |      |     | P    | P    | P    |      | 1 : 2 beds  |
| Automobile or Other Motorized Vehicle Sales                                      |    |     |     |     |     |     |      |      |     | S    | P   |     |    |      |     |      |      |      |      | 1 : 750   |
| Automobile Parts Store   |    |     |     |     |     |     |      | S    | P   | P    | P   | P   |    |      |     | P    |      | P    | P    | 1 : 300   |
| Automobile Service Garage (Major)  |    |     |     |     |     |     |      |      |     | S    | P   | P   |    |      |     |      |      |      |      | 3 : service bay   |
| Automobile Service Garage (Minor)  |    |     |     |     |     |     |      |      | P   | P    | P   | P   |    |      |     | P    |      |      |      | 3 : service bay   |
| Bank or Financial Institution  |    |     |     |     |     |     |      | S-11 | P   | P    |     |     |    | S-11 |     | S-11 | S-11 | S-11 | S-11 | 1 : 300   |
| Banquet Hall, Reception Facility, Wedding Chapel, or Other Special Events Center | S  |     |     |     |     |     |      | S    | S   | P    | P   |     |    | S    | S   | S    | S    | S    | S    | Non-Fixed Seats   1 : 150 or<br>Fixed Seats   1 : 4 seats         |
| Bar/Tavern (=75% Sales from Alcohol)   |    |     |     |     |     |     |      |      |     | P-12 |     |     |    |      |     |      |      |      |      | 1 : 200   |
| Barber or Beauty Shop  |    |     |     | S   | S   | S   |      | P    | P   | P    | P   |     |    | P    | S   | P    | P    | P    | P    | 1 : 400   |
| Bed & Breakfast Inn  | S  | S   | S   | S   | S   | S   |      | P    | P   | P    |     |     | S  | P    | S   | P    | P    | S    | S    | Residential requirement +<br>1 : guest room                       |
| Brewery, Macro   |    |     |     |     |     |     |      |      |     |      | S-9 | P-9 |    |      |     |      |      |      |      | Office   1 : 400<br>Brewing   1 : 1,000<br>Tasting Room   1 : 200 |



|   | AG  | R-1 | R-2 | R-3 | R-4 | R-5 | R-MH | B-1 | B-2 | B-3 | LI  | HI  | F1 | F3 | F3H | F4  | F4H | F5  | F5H | Parking Requirement<br>(spaces:increment)                         |
|---|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|-----|-----|----|----|-----|-----|-----|-----|-----|---|
| Brewery, Micro  | S-9 |     |     |     |     |     |      | S-9 | S-9 | S-9 | P-9 | P-9 |    |    |     | S-9 | S-9 | S-9 | S-9 | Office   1 : 400<br>Brewing   1 : 1,000<br>Tasting Room   1 : 200 |
| Building Material Sales                                       |     |     |     |     |     |     |      |     |     | S   | S   | P   |    |    |     |     |     |     |     | Retail/Office   1 : 300<br>Outdoor Storage   1 : 2,000            |
| Car Wash, Full Service  |     |     |     |     |     |     |      |     | P   | P   |     |     |    |    |     |     |     |     |     | Wash bays + 5 queue spaces  |
| Car Wash, Self Service  |     |     |     |     |     |     |      |     | S   | P   |     |     |    |    |     |     |     |     |     | Wash bays + 2 queue spaces  |
| Carpentry Shop  |     |     |     |     |     |     |      |     |     |     | P   | P   |    |    |     |     |     |     |     | 1 : 400   |
| Catering Service  |     |     |     |     |     |     |      | S   | P   | P   | P   |     |    |    |     |     |     |     |     | 1 : 400   |
| Ceramic, Pottery, or Glass Studio                             |     |     |     |     |     |     |      | S   | S   | S   | P   | P   |    |    |     | S   | S   | S   | S   | Retail/Office   1 : 400<br>Warehouse   1 : 1,000                  |
| Child Care Home (=6 Children)                                 | P   | P   | P   | S   | S   | S   |      |     |     |     |     |     | P  | P  | P   | S   | S   | S   | S   | Based on dwelling type  |
| Child Care Home (6+ Children)                                 | S   | S   | S   |     |     |     |      |     |     |     |     |     | S  | S  | S   |     |     |     |     | Based on dwelling type  |
| Child Care Facility (Daycare)                                 |     |     |     | S   | S   | S   |      | P   | P   | P   | S   |     |    | S  |     | S   | S   | S   | S   | 1 : 400 + 1 : employee  |
| Child Care Facility (Children's Home)                         |     |     |     |     |     |     |      |     | S   | S   |     |     |    |    |     | S   |     | S   | S   | 1 : 7 children  |
| Church or Other Place of Worship, including Parsonage/Rectory | P   | P   | P   | P   | P   | P   | P    | P   | P   | P   | P   | P   | P  | P  | P   | P   | P   | P   | P   | Non-Fixed Seats   1 : 150 or<br>Fixed Seats   1 : 4 seats         |

|  | AG | R-1 | R-2 | R-3 | R-4 | R-5 | R-MH | B-1  | B-2  | B-3  | LI   | HI  | F1 | F3 | F3H | F4   | F4H | F5   | F5H  | Parking Requirement<br>(spaces:increment)  |
|--|----|-----|-----|-----|-----|-----|------|------|------|------|------|-----|----|----|-----|------|-----|------|------|--|
| College or University  |    |     |     |     |     |     |      | S    | P    | P    | P    | P   |    |    |     | S    |     | S    | S    | 1 : 3 students + 1 : classroom             |
| Contractors Yard or Storage Yard                                   |    |     |     |     |     |     |      |      |      |      | S    | P   |    |    |     |      |     |      |      | 1 : 1,000 GFA                              |
| Dance Hall, Night Club, or Live Music Venue, Indoors               |    |     |     |     |     |     |      | S    | S    | S    |      |     |    |    |     | S    |     | S    | S    | 1 : 300                                    |
| Dance Hall, Night Club, or Live Music Venue, Outdoors              |    |     |     |     |     |     |      | S    | S    | S    | S    | S   |    |    |     | S    |     | S    | S    | 1 : 300 of assembly area                   |
| Dance, Music, or Drama Studio                                      |    |     |     | S   | S   | S   |      | P    | P    | P    | P    |     |    | S  |     | P    | S   | P    | P    | 1 : 400                                    |
| Distillery, Macro  |    |     |     |     |     |     |      |      |      | S-9  | P-9  | P-9 |    |    |     |      |     |      |      | Office   1 : 400<br>Distilling   1 : 1,000 |
| Distillery, Micro  |    |     |     |     |     |     |      |      | S-9  | S-9  | P-9  | P-9 |    |    |     | S-9  | S-9 | S-9  | S-9  | Office   1 : 400<br>Distilling   1 : 1,000 |
| Donation or Recycling Collection Point                             |    |     |     |     |     |     |      | P-13 | P-13 | P-13 | P-13 |     |    |    |     | P-13 |     | P-13 | P-13 | N/A  |
| Electrical Power Substation  | P  | P   | P   | P   | P   | P   | P    | P    | P    | P    | P    | P   | P  | P  | P   | P    | P   | P    | P    | N/A  |
| Equipment Sales  |    |     |     |     |     |     |      |      |      | S    | P    |     |    |    |     |      |     |      |      | 1 : 500 of building                        |
| Farmer's Market  | P  | S   | S   | S   | S   | S   | S    | S    | S    | S    | S    | S   | P  | S  | S   | S    | S   | S    | S    | N/A  |
| Feed Store   | S  |     |     |     |     |     |      |      | S    | P    |      |     |    |    |     |      |     |      |      | 1 : 300                                    |
| Fix-It Shop, Bicycle Repair, Blade Sharpening, Small Engine Repair |    |     |     |     |     |     |      | S    | P    | P    | P    | P   |    |    |     | P    |     | P    | P    | 1 : 400                                    |

|  | AG   | R-1  | R-2  | R-3  | R-4  | R-5  | R-MH | B-1  | B-2  | B-3  | LI   | HI   | F1   | F3   | F3H  | F4   | F4H  | F5   | F5H  | Parking Requirement<br>(spaces:increment)                   |
|--|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|---|
| Food Truck Park                              |      |      |      |      |      |      |      | S-14 | S-14 | S-14 | S-14 | S-14 |      |      |      | S-14 | S-14 | S-14 | S-14 | N/A   |
| Fuel Pumps (Accessory Use)                   |      |      |      |      |      |      |      | S-15 | P-15 | P-15 | P-15 | P-15 |      |      |      | S-15 |      | S-15 | S-15 | N/A   |
| Furniture Repair and Upholstering Shop       |      |      |      |      |      |      |      | S    | P    | P    | P    | P    |      |      |      | P    |      | P    | P    | 1 : 400   |
| Gasoline Filling or Service Station/Car Wash |      |      |      |      |      |      |      |      | S-15 | P-15 | P-15 | P-15 |      |      |      | S-15 |      | S-15 | S-15 | Fueling bay spaces + Grocery, Convenience Store requirement |
| Grocery, Convenience Store                   |      |      |      | S    | S    | S    |      | P    | P    | P    | P    |      |      | P    | S    | P    | P    | P    | P    | 1 : 300   |
| Grocery, Market                              |      |      |      |      | P    | P    |      | P    | P    | P    | P    |      |      | S    |      | P    | S    | P    | P    | 1 : 300   |
| Grocery, Supermarket                         |      |      |      |      |      |      |      |      | P    | P    |      |      |      |      |      | P    |      | P    | P    | 1 : 200   |
| Gym or Health/Fitness Center                 |      |      |      |      |      |      |      | P    | P    | P    | P    |      |      |      |      | P    |      | P    | P    | 1 : 300   |
| Heavy Industrial or Manufacturing Operations |      |      |      |      |      |      |      |      |      |      |      | P-16 |      |      |      |      |      |      |      | Office   1 : 400<br>Warehouse   1 : 1,000                   |
| Heliport or Helistop                         |      |      |      |      |      |      |      |      | S-17 | S-17 | S-17 | S-17 |      |      |      |      |      |      |      | 5 spaces for commercial pads                                |
| Home-Based Business                          | P-18 | P-18 | P-18 | P-18 | P-18 | P-18 | P-18 | P-18 | P-18 | P-18 |      |      | P-18 | P-18 | P-18 | P-18 | P-18 | P-18 | P-18 | N/A   |
| Hospital, Acute Care                         |      |      |      |      |      |      |      |      | P    | P    | P    |      |      |      |      |      |      |      |      | 1.5 : bed   |
| Hospital, Chronic Care                       |      |      |      |      |      |      |      |      | P    | P    | P    |      |      |      |      | P    |      |      |      | 1.5 : bed   |
| Hotel, Full Service                          |      |      |      |      |      |      |      | S    | P    | P    |      |      |      |      |      | P    | S    | P    | S    | : guest room +<br>1 : 8 seats for meeting room/restaurant   |

|  | AG | R-1 | R-2 | R-3 | R-4  | R-5  | R-MH | B-1  | B-2  | B-3  | LI | HI | F1 | F3 | F3H | F4   | F4H  | F5   | F5H  | Parking Requirement<br>(spaces:increment)                       |
|--|----|-----|-----|-----|------|------|------|------|------|------|----|----|----|----|-----|------|------|------|------|---|
| Hotel, Limited Service   |    |     |     |     |      |      |      |      | S    | S    |    |    |    |    |     | S    | S    | S    | S    | 1.1 : guest room  |
| Hotel, Select Service  |    |     |     |     |      |      |      | S    | S    | P    |    |    |    |    |     | S    | S    | S    | S    | : guest room +<br>1 : 8 seats for<br>meeting<br>room/restaurant |
| Institution for the Care of<br>Alcoholic, Psychiatric, or<br>Narcotic Patients | S  |     |     |     |      |      |      |      |      | P    |    |    |    |    |     |      |      |      |      | 1 : 2 patients  |
| Laundry, Commercial  |    |     |     |     |      |      |      |      |      |      | P  | P  |    |    |     |      |      |      |      | 1 : 800   |
| Laundry, Dry Cleaning<br>Drop-Off/Pick-Up                                      |    |     |     |     |      |      |      | P    | P    | P    | P  |    |    |    |     | S    |      | P    | P    | 1 : 400   |
| Laundry, Self-Service  |    |     |     |     |      |      |      | S    | P    | P    | P  |    |    |    |     | S    |      | P    | P    | 1 : 400   |
| Library  | P  | P   | P   | P   | P    | P    | P    | P    | P    | P    | P  | P  | P  | P  | P   | P    | P    | P    | P    | 1 : 500   |
| Light Industrial and<br>Assembly Processes                                     |    |     |     |     |      |      |      |      |      | S    | P  | P  |    |    |     |      |      |      |      | Office   1 : 400<br>Warehouse   1 :<br>1,000                    |
| Liquor Store   |    |     |     |     |      |      |      |      | P-12 | P-12 |    |    |    |    |     |      |      |      |      | 1 : 300   |
| Medical Clinic   |    |     |     |     |      |      |      | P    | P    | P    | P  | P  |    |    |     | P    | P    | P    | P    | 1 : 400   |
| Mixed Use building not<br>within Historic Overlay<br>(O-H)                     |    |     |     |     | P-19 | P-19 |      | P-19 | P-19 | P-19 |    |    |    |    |     | P-25 | P-25 | P-25 | P-25 | Based on use type   |
| Mixed Use building -<br>Historic Overlay (O-H)                                 |    |     |     |     |      |      |      |      |      |      |    |    |    |    |     |      | S-25 | P-25 | P-25 |   |
| Mobile Retail/Service  |    |     |     |     |      |      |      | S    | S    | S    | S  | S  |    |    |     | S    | S    | S    | S    | N/A   |
| Movie Theatre or<br>Cinema   |    |     |     |     |      |      |      | S    | P    | P    | P  |    |    |    |     | S    | S    | S    | S    | 1 : 4 seats   |

|  | AG | R-1 | R-2 | R-3 | R-4 | R-5 | R-MH | B-1  | B-2  | B-3  | LI   | HI   | F1 | F3 | F3H | F4   | F4H | F5   | F5H  | Parking Requirement (spaces:increment) |
|--|----|-----|-----|-----|-----|-----|------|------|------|------|------|------|----|----|-----|------|-----|------|------|--|
| Nondepository Financial Institution/Payday Lending Establishment |    |     |     |     |     |     |      | P-20 | P-20 | P-20 | P-20 | P-20 |    |    |     |      |     |      |      | 1 : 400                                |
| Nursery/greenhouse, retail/wholesale                             |    |     |     |     |     |     |      |      | S-24 | P    | P    |      |    |    |     | S-24 |     |      |      | 1 : 300                                |
| Office, Professional, Medical, or Business                       |    |     |     |     |     |     |      | P    | P    | P    | P    | P    |    | P  |     | P    | P   | P    | P    | 1 : 400                                |
| Outside Display  |    |     |     |     |     |     |      | P-21 | P-21 | P-21 |      |      |    |    |     | P-21 |     | P-21 | P-21 | N/A                                    |
| Outside Storage  |    |     |     |     |     |     |      |      | S-22 | S-22 | S-22 | S-22 |    |    |     |      |     |      |      | 1 : 2,000 of Outside Storage           |
| Park, Playground, or Community Center, Public                    | P  | P   | P   | P   | P   | P   | P    | P    | P    | P    | P    | P    | P  | P  | P   | P    | P   | P    | P    | N/A                                    |
| Parking Area, Public   |    |     |     |     |     |     |      | S    | S    | S    | S    | S    |    | S  | S   | S    | S   | S    | S    | N/A                                    |
| Parking Structure  |    |     |     | S   | S   | S   |      | S    | S    | S    | S    | P    |    | S  |     | S    | S   | S    | S    | N/A                                    |
| Pawn Shop  |    |     |     |     |     |     |      |      |      |      | P    | P    |    |    |     |      |     |      |      | 1 : 300                                |
| Plumbing or Heating/Cooling Store                                |    |     |     |     |     |     |      |      |      | P    | P    |      |    |    |     |      |     |      |      | 1 : 400                                |
| Police, Fire, or Emergency Medical Services Station              | P  | P   | P   | P   | P   | P   | P    | P    | P    | P    | P    | P    | P  | P  | P   | P    | P   | P    | P    | N/A                                    |
| Portable Building Sales  |    |     |     |     |     |     |      |      |      | S    | P    |      |    |    |     |      |     |      |      | 1 : 500 of building                    |
| Printing Press/Duplication Shop or Mailing Center                |    |     |     |     |     |     |      | S    | P    | P    | P    | P    |    | S  |     | S    |     | S    | S    | 1 : 400                                |
| Prisons or Detention Facilities                                  |    |     |     |     |     |     |      |      |      |      | S    | S    |    |    |     |      |     |      |      | 1 : employee + 1 : 15 cells            |

|   | AG | R-1 | R-2 | R-3 | R-4 | R-5 | R-MH | B-1  | B-2  | B-3  | LI   | HI | F1 | F3   | F3H | F4   | F4H  | F5   | F5H  | Parking Requirement<br>(spaces:increment)                 |
|---|----|-----|-----|-----|-----|-----|------|------|------|------|------|----|----|------|-----|------|------|------|------|---|
| Public Facilities for Local, State, or Federal Government   | P  | P   | P   | P   | P   | P   | P    | P    | P    | P    | P    | P  | P  | P    | P   | P    | P    | P    | P    | N/A   |
| Radio or TV Station   |    |     |     |     |     |     |      |      | S    | P    | P    | P  |    |      |     |      |      |      |      | 1 : 400   |
| Recreational Vehicle (RV) Park                              |    |     |     |     |     |     |      |      |      | S    |      |    |    |      |     |      |      |      |      | 0.5 : RV bay  |
| Research and Development Laboratory (Life Sciences)         |    |     |     |     |     |     |      |      |      |      | P    | P  |    |      |     | S    | S    | S    | S    | 1 : 500   |
| Research and Development Laboratory (Technology)            |    |     |     |     |     |     |      |      | P    | P    | P    | P  |    |      |     | S    | S    | S    | S    | 1 : 500   |
| Restaurant or Cafeteria, with Curb or Drive-Thru Service    |    |     |     |     |     |     |      | S-12 | S-12 | P-12 | P-12 |    |    |      |     | S-12 |      | S-12 |      | 1 : 200   |
| Restaurant or Cafeteria, without Curb or Drive-Thru Service |    |     |     |     |     |     |      | P-12 | P-12 | P-12 | P-12 |    |    | S-12 |     | P-12 | S-12 | P-12 | P-12 | 1 : 200   |
| Retail Store, Big Box                                       |    |     |     |     |     |     |      |      | S    | P    |      |    |    |      |     |      |      |      |      | 1 : 300   |
| Retail Store, Shop  |    |     |     |     |     |     |      | P    | P    | P    |      |    |    | P    |     | P    | P    | P    | P    | 1 : 300   |
| Rodeo   |    |     |     |     |     |     |      |      |      |      |      | S  |    |      |     |      |      |      |      | Non-Fixed Seats   1 : 300 or<br>Fixed Seats   1 : 4 seats |
| School, Career  |    |     |     |     |     |     |      |      | S    | P    | P    |    | P  | P    |     | P    |      | P    | P    | 1 : 3 students + 1 : classroom                            |
| School, Private or Public                                   | P  | P   | P   | P   | P   | P   | P    | P    | P    | P    | P    | P  | P  | P    | P   | P    | P    | P    | P    | Ele./Middle   2 : classroom Senior High   8 : classroom   |

|   | AG   | R-1  | R-2  | R-3  | R-4  | R-5  | R-MH | B-1  | B-2  | B-3  | LI   | HI   | F1   | F3   | F3H  | F4   | F4H  | F5   | F5H  | Parking Requirement<br>(spaces:increment)                      |
|---|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--|
| Seamstress or Tailor Shop                             |      |      |      |      |      |      |      | P    | P    | P    | P    |      |      | S    |      | P    | S    | P    | P    | 1 : 400  |
| Seasonal Sales  |      |      |      |      |      |      |      | S    | S    | S    | S    | S    |      |      |      |      |      |      |      | N/A  |
| Shoe Repair Shop                                      |      |      |      |      |      |      |      | P    | P    | P    | P    |      |      | P    |      | P    | P    | P    | P    | 1 : 400  |
| Shooting Range, Indoor                                |      |      |      |      |      |      |      |      |      | P    | P    | P    |      |      |      |      |      |      |      | 2 : shooting lane  |
| Shooting Range, Outdoor                               |      |      |      |      |      |      |      |      |      |      | S    | S    |      |      |      |      |      |      |      | 2 : shooting lane  |
| Stable, Boarding                                      | S    |      |      |      |      |      |      |      |      |      |      | S    | S    |      |      |      |      |      |      | 1 : 2 stalls   |
| Stable, Commercial                                    | S    |      |      |      |      |      |      |      |      |      |      | S    | S    |      |      |      |      |      |      | 1 : 2,000 of site area   |
| Stadium or Play Field (with lighting)                 | S    | S    | S    | S    | S    | S    | S    | S    | S    | S    | S    | S    | S    | S    | S    | S    | S    | S    | S    | N/A  |
| Stadium or Play Field (without lighting)              | P    | P    | P    | P    | P    | P    | P    | P    | P    | P    | P    | P    | P    | P    | P    | P    | P    | P    | P    | N/A  |
| Storage Units, Mini                                   |      |      |      |      |      |      |      |      |      | S    | S    | P    |      |      |      |      |      |      |      | 1 : 40 units   |
| Tattoo Studio   |      |      |      |      |      |      |      |      | P    | P    |      |      |      |      |      | S    | S    | S    | S    | 1 : 400  |
| Taxi Garage or Dispatch                               |      |      |      |      |      |      |      |      |      | P    | P    | P    |      |      |      | S    |      | S    | S    | 1 : 400  |
| Telephone Exchange (No Offices or Storage Facilities) | P    | P    | P    | P    | P    | P    | P    | P    | P    | P    | P    | P    | P    | P    | P    | P    | P    | P    | P    | N/A  |
| Temporary Building                                    | P-23 | P-23 | P-23 | P-23 | P-23 | P-23 | P-23 | P-23 | P-23 | P-23 | P-23 | P-23 | P-23 | P-23 | P-23 | P-23 | P-23 | P-23 | P-23 | 1 : 1,000  |
| Truck terminal/travel plaza or truck stop             |      |      |      |      |      |      |      |      |      | S-15 | S-15 | S-15 |      |      |      |      |      |      |      | Fueling bay spaces plus Grocery, Convenience Store requirement |

|                               | AG | R-1 | R-2 | R-3 | R-4 | R-5 | R-MH | B-1 | B-2 | B-3 | LI  | HI  | F1 | F3 | F3H | F4  | F4H | F5  | F5H | Parking Requirement<br>(spaces:increment)                        |
|-------------------------------|----|-----|-----|-----|-----|-----|------|-----|-----|-----|-----|-----|----|----|-----|-----|-----|-----|-----|--|
| Warehouse                     |    |     |     |     |     |     |      |     |     |     | P   | P   |    |    |     |     |     |     |     | Office   1 : 400<br>Warehouse   1 : 1,000                        |
| Wholesale Center              |    |     |     |     |     |     |      |     |     |     | S   | P   |    |    |     |     |     |     |     | Office   1 : 400<br>Warehouse   1 : 1,000                        |
| Winery, Macro                 |    |     |     |     |     |     |      |     |     | S-9 | P-9 | P-9 |    |    |     |     |     |     |     | Office   1 : 400<br>Winery   1 : 1,000<br>Tasting Room   1 : 200 |
| Winery, Micro                 |    |     |     |     |     |     |      |     | S-9 | S-9 | P-9 | P-9 |    |    |     | S-9 | S-9 | S-9 | S-9 | Office   1 : 400<br>Winery   1 : 1,000<br>Tasting Room   1 : 200 |
| Woodworking and Planing Mill  |    |     |     |     |     |     |      |     |     |     |     | P   |    |    |     |     |     |     |     | 1 : 1,000  |
| Wrecking or Auto Salvage Yard |    |     |     |     |     |     |      |     |     |     |     | P   |    |    |     |     |     |     |     | Office   1 : 400<br>Yard   1 : 2,000                             |



## **02.06.06. Conditional Standards**

A. The following conditional development standards shall apply, as indicated in the Use Chart:

1. Community Home or Group Home

- a. For the limitation of six or fewer clients, this means six or fewer clients and two authorized supervisory personnel.
- b. A Community Home or Group Home must be at least 2,000 feet from any halfway house, measured property line to property line.
- c. A community home or group home must be at least 750 feet from any other community home or group home, measured property line to property line.
- d. The appearance and residential character of the structure cannot be altered, either through use of colors, materials, construction (excepting provisions for the physically handicapped) and lighting; the emission of sound, noise, vibration and electromagnetic interference; or outdoor storage of any kind.
- e. Signs identifying the property as a community home or group home are prohibited.
- f. Vehicles used primarily for the community home or group home (for instance, vans displaying an institution name) must be stored where they cannot be seen from the public right-of-way or adjacent properties.
- g. Any single-family dwelling unit to be utilized for a community home or group home shall provide as a minimum, the following square footage in each bedroom:
  - i. To house one person per bedroom, the dwelling unit must provide one hundred (100) square feet of space per bedroom utilized for this purpose.
  - ii. To house two or more persons per bedroom, the dwelling unit must provide at least eighty (80) square feet of space per person housed in the bedroom utilized for this purpose. For example, two persons would require a one hundred sixty (160) square foot room.
- h. Group Living Operating License
  - i. Purpose

The purpose of the Group Living Operating License is as follows:

- (a) To protect residents from persons who may take advantage of them;
- (b) To maintain adequate health & safety standards for protection of the residents;
- (c) To ensure that adequate fire, police and emergency response vehicles or patrols are available; and
- (d) To identify and facilitate appropriate responses for residents who may require special assistance during an emergency

ii. Applicability

It is unlawful for any person to construct, maintain or operate within the city, any group or community home, halfway house, or other group living facility unless such person first obtains a license. An application for an annual license to operate a group or community home, halfway house or other group living facility is required within the City limits, or for property located in the City's extraterritorial jurisdiction that is part of a development

agreement. Approval of a Group Living Operating License authorizes the use of the property in accordance with the terms of the license and other applicable requirements of the Unified Development Code for one year, after which the Group Living Operating License must be renewed annually.

iii. Review Process and Application

An application for a Group Living Operating License shall be prepared in accordance with the requirements established by the City Manager or his/her designee. Applications must include all materials determined necessary by the City Manager. Information regarding the format requirements and materials required for the application will be made available by the City. The City shall investigate the application, and inspect the proposed plans and specifications. For a new group or community home, halfway house or other group living facility, the Group Living Operating License shall not be issued until a Certificate of Occupancy has been approved. For a renewal of a Group Living Operating License, an inspection of the property shall be conducted to verify compliance with all applicable requirements of the Unified Development Code.

iv. Criteria for Approval

The City Manager shall apply the following criteria in deciding the application for a Group Living Operating License:

- (a) That the improvements on the property are in accordance with the requirements of the Unified Development Code;
- (b) That the operations of the property comply with the requirements of the Unified Development Code;
- (c) That the structures and site comply with the Building Code, Fire Code, Property Maintenance Code and other applicable regulations (including the Americans with Disabilities Act).
- (d) That there are no outstanding permit requirements.

v. Revocation of Certificate

The City Manager may institute proceedings to revoke a Group Living Operating License whenever the official determines that the license has been issued in error; or on the basis of incorrect information supplied; or that the use, dimensions, or other features of the structure or property authorized for occupancy, or any portion thereof, is in violation of any provision of this Code, of the Building Code or other construction codes; or that the property is in violation of the requirements of the Unified Development Code applicable to group or community homes, halfway houses or other group living facility. Before any such license is revoked, the City must give 10 days notice to the holder of such license to correct violations. If the license is revoked, the license may be reissued to the licensee if the reasons for such revocation have been duly corrected, or a license may be issued to another qualified applicant.

vi. Responsibility for Final Action

The City Manager or his/her designee is responsible for final action on Group Living Operating Licenses as required by this code.

2. Dwelling, Accessory

- a. Not more than one (1) accessory dwelling shall be located on one lot.
- b. Accessory dwellings may be rented or occupied by a guest.
- c. Accessory dwellings must meet the setbacks established for the principal dwelling.

d. A specific use permit is not required in the R-2 zoning district provided the accessory dwelling is located at least 20 feet behind the front line of the primary structure, and the lot width is at least 100 feet and the lot area is at least 12,000 square feet.

### 3. Halfway House

a. A halfway house must be at least 2,000 feet from other halfway house or inpatient substance abuse treatment facility, measured property line to property line.

b. A halfway house must be at least 750 feet from any community home or group home, notwithstanding any additional distance restrictions of Federal, State or local law for moderate and high risk (level 2 and 3) and civil commitment sex offenders, measured property line to property line.

c. The appearance and residential character of the structure cannot be altered, either through use of colors, materials, construction (excepting provisions for the physically handicapped) and lighting; the emission of sound, noise, vibration and electromagnetic interference; or outdoor storage of any kind.

d. Signs identifying the property as a halfway house are prohibited in residential zoning districts.

e. Vehicles used primarily for the halfway house (for instance, vans displaying an institution name) must be stored where they cannot be seen from the public right-of-way or adjacent properties when located in a residential zoning district.

f. Any single-family dwelling unit to be utilized for a halfway house shall provide as a minimum, the following square footage in each bedroom:

i. To house one person per bedroom, the dwelling unit must provide one hundred (100) square feet of space per bedroom utilized for this purpose.

ii. To house two or more persons per bedroom, the dwelling unit must provide at least eighty (80) square feet of space per person housed in the bedroom utilized for this purpose. For example, two persons would require a one hundred sixty (160) square foot room.

g. Group Living Operating License

See licensing requirements outlined in 1.h above.

### 4. Innovative Residential Development

See [2.09.07](#). Innovative Residential Development for the required conditions.

### 5. Manufactured Homes

Manufactured home parks or subdivisions for Manufactured Homes must be a minimum of five (5) acres and maximum of twenty-five (25) acres in area.

### 6. Modular Home

A Modular Home shall meet the following requirements.

a. The Modular Home meets or exceeds all building code requirements that apply to other dwelling units concerning on-site construction.

b. The Modular Home conforms to all applicable zoning standards for the respective zoning district.

c. The Building Official is so notified in writing for the purpose of establishing procedures for the inspection, issuing of building permits, and compliance with the Texas Manufactured Housing Standards Act (Texas Occupations Code §1201).

- d. The Modular Home is placed on an approved platted lot.
- e. Per the Texas Occupations Code §1202.253, single family and duplex Modular Homes shall:
  - i. Have a value equal to or greater than the median taxable value for each single family dwelling located within five hundred (500) feet of the lot on which the Modular Home is proposed to be located, as determined by the most recent county certified tax appraisal roll;
  - ii. Have exterior siding, roofing, roofing pitch, foundation fascia, and fenestration compatible with the single family dwellings located within five hundred (500) feet of the lot on which the Modular Home is proposed to be located;
  - iii. Comply with municipal aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to single family dwellings; and
  - iv. Be securely affixed to an approved permanent foundation.
- f. For purposes of above subsection e above, “value” means the taxable value of the industrialized housing and the lot after installation of the housing as determined by the appraisal district.

## 7. Short-Term Residential Rental

- a. The Applicant must obtain a Short-Term Residential Rental permit from the City and provide proof of ownership of the residence.
- b. The Applicant must demonstrate to the satisfaction of the Director of Planning that the unit and property do not have any outstanding issues related to taxes or building, electrical, plumbing, fire, health, housing, police, planning, noise, or code enforcement provisions.
- c. The Applicant must submit a report to the Director of Planning each January that indicates the following:
  - i. The number of nights the unit was rented as a Short-Term Residential Rental in the previous year;
  - ii. Proof of payment of Hotel Occupancy Tax is submitted to the City in accordance with Article 20.05 of the City's Code of Ordinances; and
  - iii. Proof of current property insurance.
  - iv. If the Applicant has failed to meet one of these requirements, the City shall provide ten (10) calendar days of notice to comply.
- d. The City retains the right to suspend or remove a property from the registry. Once a property has been removed from the registry, the property shall not be added to the registry for at least one (1) year.
- e. Suspension or removal shall be at the discretion of the Director of Planning for reasons including, but not limited to, the following:
  - i. The Applicant has given false or misleading information during the Application process;
  - ii. There has been a violation of any of the terms, conditions, or restrictions of this subsection;
  - iii. The Applicant has failed to pay the Hotel Occupancy Tax in the timely manner; or
  - iv. The location has received three (3) complaints from the neighboring property owners for excessive noise or traffic within a twenty-four (24) month period.

- f. Continued operation of a Short-Term Residential Rental following suspension or removal from the registry shall be considered a violation of this UDC.

## 8. Adult Entertainment

See Article 8.02 in the City's Code of Ordinances for regulations related to sexually oriented businesses.

## 9. Alcoholic Beverage Production

- a. Facilities are prohibited within four hundred (400) feet of Estate Residential (R-1) District, Suburban Residential (R-2) District, or One & Two Family Residential (R-3) District designations.
- b. See 12 below regarding on-premise consumption and sales.
- c. Outdoor storage is prohibited with the exception of containers of spent grain, which must be completely screened from the view of public Right-of-Way.
- d. There shall be no admission fee, cover charge, nor minimum purchase required
- e. If the general public is allowed entry into the facility, signs shall be posted inside the business near the exit door stating: "No alcohol in open containers allowed past this point."
- f. See the City of Buda Code of Ordinances, as amended, pertaining to Industrial Waste (Chapter 24).

## 10. Agricultural Use

- a. Barns or Enclosures for Livestock
  - i. No barn or enclosure for cows, horses, mules, donkeys, sheep, goats, or similar livestock shall be located nearer than one hundred (100) feet to any dwelling or nearer than two hundred (200) feet to any property line.
  - ii. These barns or enclosures are not subject to any masonry requirements if the site is three (3) acres or larger in size and the buildings are set back two hundred (200) feet from any dwelling other than that of the resident.
- b. Restriction of Agricultural Uses within Residential Zoning Districts
  - i. Vegetation

When in a residential zoning district, Agricultural Uses with plants and produce only are permitted on all lots. Excluding any main residential structure, any improvements on the site shall meet the requirements of [2.09.04. B. Residential Accessory Structures](#).
  - ii. Livestock

When in a residential zoning district, Agricultural Uses and buildings that include living animals (e.g., cows, horses, mules, donkeys, sheep, goats, pigs, roosters, and more hens than permitted by c below) are permitted on lots that are three (3) or more acres. These uses and buildings shall be incidental and secondary to the use permitted within the residential district and shall not change the character of the district, including garages for implements or equipment, greenhouses, tool sheds, pens, barns, workshops, well houses, or enclosures for livestock.
- c. Chickens
  - i. Chickens are permitted as household pets within all residential lots subject to the following requirements:

- (a) No more than four (4) hens on lots less than 1/2 acre, or ten (10) hens on lots 1/2 acre or larger are permitted,
- (b) Roosters are prohibited,
- (c) Chickens or eggs are not sold for commercial purposes, and
- (d) A permit is held to keep chickens.

ii. Pens or Enclosures for Chickens as Household Pets within Residential Zoning Districts

- (a) Pens or enclosures for chickens as household pets are permitted on all residential lots and shall meet the following standards.
  - (i) Setbacks
    - a) Front Setback: Behind the front building line;
    - b) Side Setback: Ten (10) feet from the side lot line; and
    - c) Rear Setback: Ten (10) feet from the rear lot line.
  - (ii) Maximum enclosure size is six (6) feet by ten (10) feet.
  - (iii) These pens or enclosures are not subject to any building material requirements.

11. Bank or Financial Institution

No drive-through windows shall be permitted in the Neighborhood Business (B-1) District.

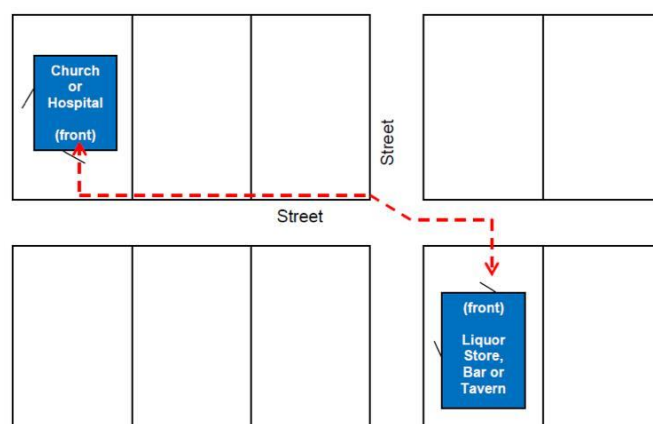
12. Bar/Tavern (=75% Sales from Alcohol) or On-Premise Consumption of Alcohol or Liquor Store

a. Alcohol sales, on-premise consumption of alcohol, and liquor stores shall be prohibited within 300 feet of a church, public or private school, or public hospital. Alcohol sales are also prohibited within 1,000 feet of a private school if the City Council approves by resolution a request for the 1,000 foot separation from the governing body of a private school.

b. Method of Measurement

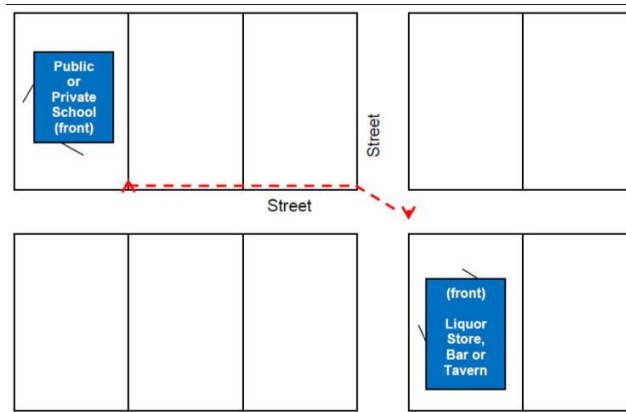
i. Church or Public Hospital

The measurement of this distance shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.



ii. Public or Private School

The measurement of the distance between the premises and a public or private school shall be from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections.



c. This section does not apply to any establishment that is licensed for the sale or consumption of alcoholic beverages at the time a church, public school or hospital begins construction or occupancy of a building within 300 feet of the licensed establishment. Nor shall it apply to churches, public schools or hospitals that are themselves licensed for the sale or consumption of alcoholic beverages.

d. This section does not apply to on-premises consumption if less than 50 percent of the gross receipts for the premises is from the sale or service of alcoholic beverages; off-premise consumption if less than 50 percent of the gross receipts for the premises, excluding the sale of items subject to the motor fuels tax, is from the sale or service of alcoholic beverages; or a wholesaler, distributor, brewer, distiller, rectifier, winery, wine bottler or manufacturer as those words are ordinarily used and understood in Chapter 102 of the Texas Alcoholic Beverage Code.

### 13. Donation or Recycling Collection Point

Registration with the City is required.

### 14. Food Truck Park

Vendors located within Food Truck Parks shall comply with all regulations pertaining to Mobile and Portable Food Vendors of the City's Code of Ordinances.

### 15. Fuel Pumps (Accessory Use) or Gasoline Filling or Service Station/Car Wash

- a. Roofs of convenience stores, associated buildings, and pump canopies shall be pitched at least 4:12;
- b. Canopy support columns shall be fully encased with Class 1: Masonry Construction materials that are complementary to that used on the main building.

### 16. Heavy Industrial or Manufacturing Operations

A Specific Use Permit is required when located adjacent to Agricultural (AG) District zoning.

### 17. Heliport or Helistop

- a. No heliport or helistop shall be located within 1,000 feet of any church, school, hospital, library, public park or within 1,000 feet of any dwelling unless:
  - i. Noise attenuation methods are implemented to achieve noise levels no greater than if the heliport or helistop were located 1,000 feet from any such property in an unprotected state; and

- ii. The Federal Aviation Administration has approved approach and departure paths for the proposed heliport or helistop which require all departures to be made at an angle of more than ninety (90) degrees from any boundary or any such property which is less than 1,000 feet from the proposed heliport or helistop.

#### 18. Home-Based Business

- a. No persons other than members of the family residing on the premises shall be engaged in such business;
- b. The use of the home for the Home-Based Business shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than five hundred (500) square feet or ten (10) percent of the square footage of the dwelling area, whichever is greater, shall be used in the conduct of the Home-Based Business;
- c. Home-Based Businesses may occur in an Accessory Structure.
- d. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such Home-Based Business;
- e. No sign advertising a Home-Based Business shall be placed on property where a Home-Based Business is conducted. Only one vehicle (motorized or non-motorized), one ton carrying capacity or less may advertise for the Home-Based Business;
- f. Any sales in connection with such Home-Based Business shall be clearly secondary to occupancy. Merchandise shall not be offered or displayed for sale on the premises. Sales incidental to a service shall be allowed; and orders previously made by telephone or at a sales party may be filled on the premises;
- g. No traffic shall be generated by a Home-Based Business in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of a Home-Based Business shall be met off the street and other than in a required front yard;
- h. No equipment, process or work shall be used or conducted in such Home-Based Business that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot beyond the extent of a typical single-family use. In the case of electrical interference, no equipment, process or work shall be used or conducted that creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises;
- i. The operation of beauty schools, beauty parlors, barber shops, vehicle repair, lawn mower or other small or large engine repair, and any boarding house/rooming house shall not be permitted as a Home-Based Business or as an accessory use; and
- j. No Outside Storage or Outside Display of any type shall be permitted with any Home-Based Business.

#### 19. Mixed Use

See [2.09.10](#). Mixed Use Design for the required conditions. The F5 Mixed Use Building standards must be employed in the B-3, R-4 and R-5 zoning districts. In the B-1 and B-2 zoning districts, F4 Mixed-Use Building standards must be used.

#### 20. Nondepository Financial Institution/Payday Lending Establishment

- a. See Article 8.06 in the City's Code of Ordinances for regulations related to nondepository financial institutions.
- b. No more than one nondepository financial institution establishment shall be located on a single lot.



- c. Any lot containing a nondepository financial institution establishment shall be located at least one thousand feet (1,000') from any lot containing another nondepository financial institution establishment, as measured in a straight line between the nearest points of one lot to the other lot.
- d. Any lot containing a nondepository financial institution establishment shall be located at least seven hundred fifty feet (750') from a residential district or residential use, school, church, or public or private park as measured in a straight line between the nearest points of the boundary of the applicable zoning district or property line of the aforementioned uses to the property line of the nondepository financial institution.
- e. Any lot containing a nondepository financial institution establishment shall be located at least five hundred feet (500') from the right-of-way of any roadway identified as a highway, parkway or arterial in the city's transportation master plan, as amended, as measured in a straight line between the nearest points of the right-of-way line to the property line of the nondepository financial institution.

21. Outside Display

- a. Outside Display areas shall not be placed or located more than thirty (30) feet from the main building and shall not exceed fifty (50) percent of the linear frontage of the building.
- b. Outside Display areas shall be permitted year round.
- c. Outside Display areas shall be additionally restricted in regard to occupying required parking spaces.
- d. Outside Display areas shall not occupy any of the parking spaces that are required by this UDC for the primary use(s) of the property.
- e. Outside Display areas shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way. At least sixty (60) inches of pedestrian clear zone shall be provided to allow for circulation.
- f. Outside Display items shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
- g. Outside Display is permitted only as an accessory use and is not a permitted Principal Use.

**Figure 4. Example of Outside Display**



22. Outside Storage

- a. Outside Storage is limited to a maximum of ten (10) percent of the total lot area, shall not be located in front of or on top of the building, and must be screened.
- b. Outside Storage screening shall be required only for those areas surrounding Outside Storage.

- c. Outside Storage of materials, commodities, or equipment shall be screened with a minimum six (6) foot screening fence or wall, and shall not be visible from the street or from adjacent property.
- d. In addition to the screening fence or wall surrounding Outside Storage (see c above), a second level of screening is required at the property line unless the screening required by c above is located along the property line.
  - i. A six (6) foot screening fence or wall shall be provided and maintained at the common property line or street adjacent to the area to be screened by one or a combination of the following methods:
    - (a) Solid masonry consisting of rock, stone, or other material that is equivalent, visually and qualitatively;
    - (b) Wrought iron in conjunction with solid landscape screening;
    - (c) Wood or wood vinyl in conjunction with solid landscape screening; and,
    - (d) An equivalent alternative screening method approved by the Director of Planning.
- e. No Outside Storage may exceed the height of the screening wall or fence.
- f. Outside Storage exceeding eight (8) feet in height shall require a Specific Use Permit.
- g. Unscreened open storage is only permitted within the rear yard of properties within the Heavy Industrial (HI) District and is not permitted within side yards or within sixty (60) feet of a residential use.
- h. In the case of a home improvement store that provides goods to the general public (e.g., Home Depot or Lowe's) with Outside Storage, such use would be classified as both Retail Store, Big Box and Outside Storage, therefore both use classifications must be permitted in the applicable district for the store to be allowed.

**Figure 5. Example of Outside Storage**



**23. Temporary Building**

- a. Temporary buildings may be permitted for two (2) years in accordance with a permit issued by the City Building Official. A six (6) month extension may be approved by the City Building Official. After the initial extension is given, the Building Official may approve a second six (6) month extension.
- b. Temporary buildings associated with a school are required to receive a permit issued by the City Building Official, however no time limit applies.

(Ordinance 2017-13 adopted 10/2/17)

24. Nursery/greenhouse, retail, is permitted subject to the following conditions:

- a. Access is taken from a collector or higher classification roadway;
- b. The area containing the plants and other accessory materials or products, e.g. soil, mulch, sod, pots and containers, etc., is enclosed within a fenced area;
- c. Stacked materials do not exceed the height of a screening fence; and
- d. Greenhouses are placed to the rear of the property.

(Ordinance 2020-04 adopted 3/24/20)

25. Form District Building Types and Standards

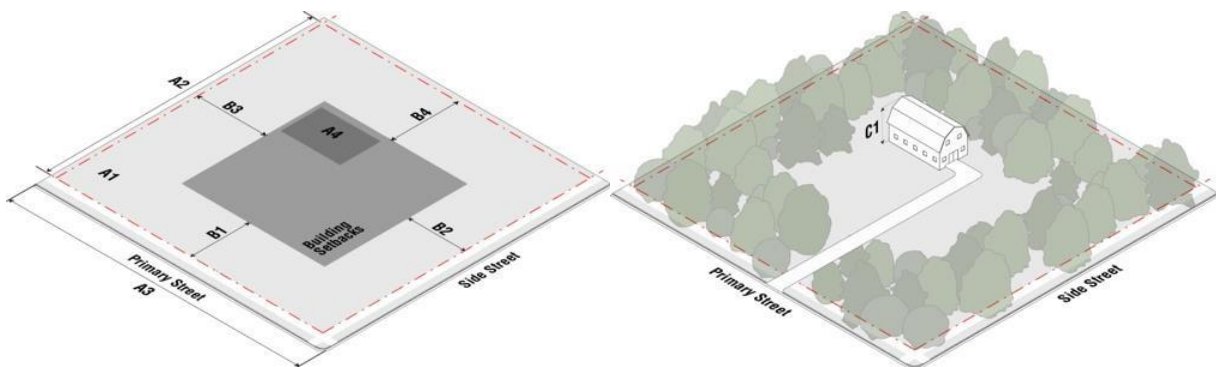
Must follow lot building types and standards in [2.08.07](#)

26. Multiplex Standards

Must follow lot building types and standards in [2.08.07](#), no dwelling accessory units are allowed.

## 02.08.07. Building Types

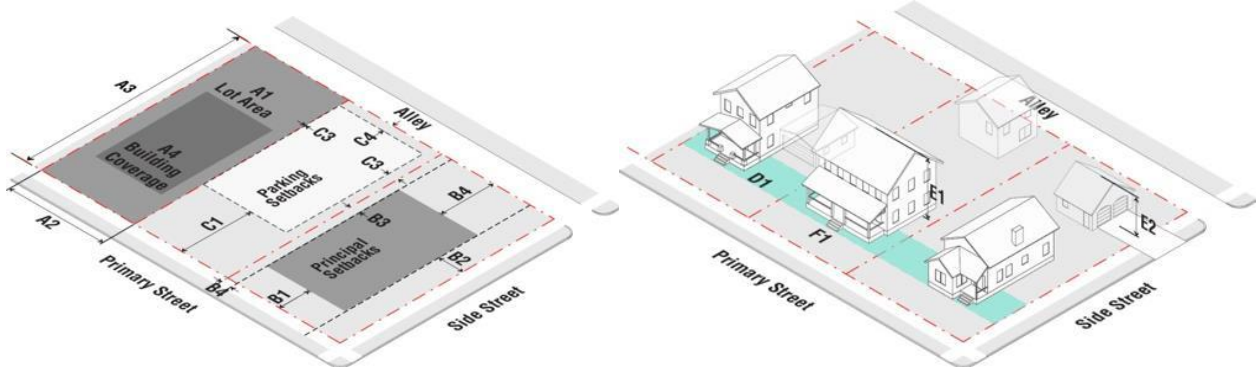
A. Open Space Building (F1)



| Lot Dimension                  | F1    |
|--------------------------------|-------|
| A1. Area (min)                 | n/a   |
| A2. Width – interior lot (min) | n/a   |
| A2. Width – corner lot (min)   | n/a   |
| A3. Depth (min)                | n/a   |
| A4. Building Coverage          | 5%    |
| A5. Impervious Coverage        | 15%   |
| Building Setbacks              | F1    |
| B1. From primary street (min)  | 50 ft |
| B2. From side street (min)     | 50 ft |
| B3. From side lot line (min)   | 50 ft |
| B4. From rear lot line (min)   | 50 ft |

|                         |       |
|-------------------------|-------|
| <b>Height</b>           |       |
| C1. All Buildings (max) | 35 ft |
| <b>Frontage Types</b>   |       |
| Common Yard             |       |

B. Single Family Detached (F3, F3H, F4, F4H)

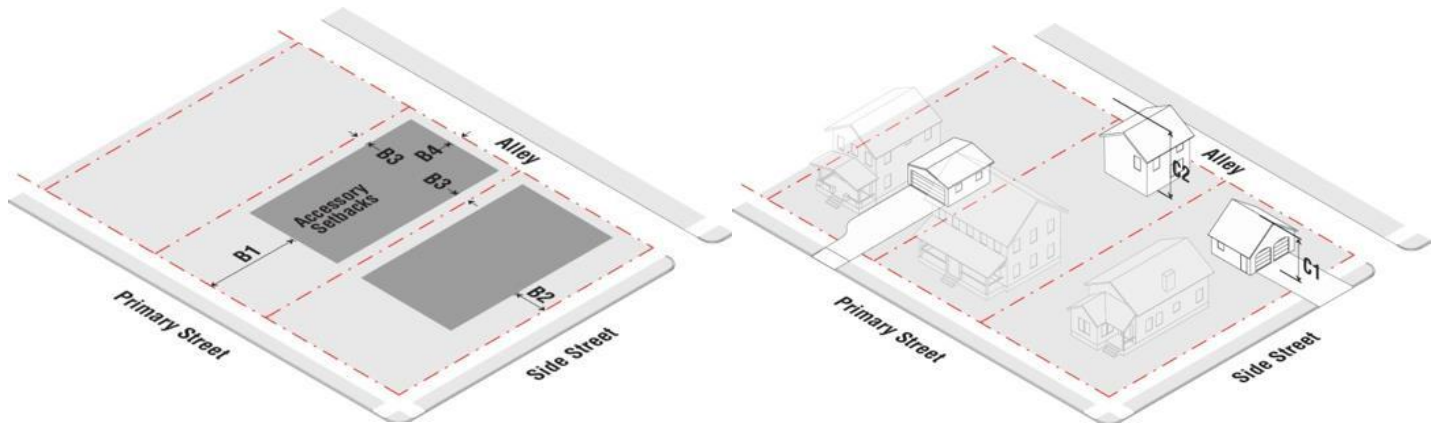


| Lot Dimension  | F3  | F3H   | F4  | F4H   |
|--|---|---|---|---|
| A1. Area (min)   | 6000 sf                                     | 10000 sf                                    | 5000 sf                                     | 6000 sf                                     |
| A2. Width – interior lot (min)   | 55 ft                                       | 65 ft                                       | 45 ft                                       | 60 ft                                       |
| A2. Width – corner lot (min)   | 60 ft                                       | 75 ft                                       | 55ft  | 75 ft                                       |
| A3. Depth (min)  | 110 ft                                      | 110 ft                                      | 110 ft                                      | 110 ft                                      |
| A4. Building Coverage  | 50%   | 40%   | 60%   | 55%   |
| A5. Impervious Coverage  | 60%   | 50%   | 70%   | 65%   |
| Building Setbacks  | F3  | F3H   | F4  | F4H   |
| B1. From primary street (min)  | 15 ft                                       | 20 ft*                                      | 10 ft                                       | 15 ft*                                      |
| B2. From side street (min)   | 10 ft                                       | 10 ft*                                      | 10 ft                                       | 10 ft*                                      |
| B3. From side lot line (min)   | 5 ft or 20% lot width, whichever is greater | 5 ft or 20% lot width, whichever is greater | 5 ft or 20% lot width, whichever is greater | 5 ft or 20% lot width, whichever is greater |
| B4. From rear lot line (min)   | 20 ft                                       | 20 ft                                       | 20 ft                                       | 20 ft                                       |
| * or the average of the setbacks on the block, whichever is greater  |   |   |   |   |
| Parking Setbacks   | F3  | F3H   | F4  | F4H   |
| C1. From Primary Street (min)*   | 30 ft                                       | 30 ft                                       | 50 ft                                       | 50 ft                                       |
| C2. From Side Street (min)*  | 15 ft                                       | 15 ft                                       | 15 ft                                       | 15 ft                                       |
| C3. From side lot line (min)   | 5 ft, 0 ft if shared with adjacent lot.     |   |   |   |
| C4. From rear lot line (min)   | 5 ft  | 5 ft  | 5 ft  | 5 ft  |
| * Parking area must be setback a minimum of 15 ft from the wall of the home on the primary street or a minimum of 5 ft from the wall of the home on the side street. |   |   |   |   |
| Build-to Zone  | F3  | F3H   | F4  | F4H   |
| D1. Primary Street (min/max)   | B1. /B1. plus 10 ft                         |   |   |   |

|   |           |            |           |            |
|---|-----------|------------|-----------|------------|
| D2. Building Width in Build-to (min)                        | 40%       | 40%        | 70%       | 60%        |
| <b>Height</b>   | <b>F3</b> | <b>F3H</b> | <b>F4</b> | <b>F4H</b> |
| E1. All Buildings (max)                                     | 30 ft     | 30 ft      | 35 ft     | 35 ft      |
| Pedestrian Access   | F3        | F3H        | F4        | F4H        |
| F1. Main pedestrian entrance must front onto Primary Street |           |            |           |            |
| <b>Frontage Types</b>                                       | <b>F3</b> | <b>F3H</b> | <b>F4</b> | <b>F4H</b> |
| Common Yard, Porch and Fence                                |           |            |           |            |

(Ordinance 2017-13 adopted 10/2/17)

C. Accessory Building (F3, F3H, F4, F4H, F5, F5H)



| Lot Dimension   | F3  | F3H    | F4     | F4H    | F5/F5H |
|---|---|--------|--------|--------|--------|
| A1. Area (min)  | Calculated according to Primary Building.   |        |        |        |        |
| A2. Width – interior lot (min)                              |   |        |        |        |        |
| A2. Width – corner lot (min)                                |   |        |        |        |        |
| A3. Depth (min)   |   |        |        |        |        |
| A4. Building Coverage                                       | 20% of the maximum allowed building coverage for the primary building. Building coverage counts toward the allowed coverage for the primary building. |        |        |        |        |
| A5. Impervious Coverage                                     | Impervious coverage counts towards the maximum allowed impervious coverage of the primary building.   |        |        |        |        |
| Building Setbacks   | F3  | F3H    | F4     | F4H    | F5/F5H |
| B1. From Primary Street (min)                               | 50 ft*  | 50 ft* | 50 ft* | 50 ft* | 50 ft* |
| B2. From Side Street (min)                                  | 10 ft   | 10 ft  | 10 ft  | 10 ft  | 10 ft  |
| B3. From side lot line (min)                                | 5 ft  | 5 ft   | 5 ft   | 5 ft   | 5 ft   |
| B4. From rear lot line (min)                                | 5 ft  | 5 ft   | 5 ft   | 5 ft   | 5 ft   |
| *or 10 ft behind the primary building, whichever is greater |   |        |        |        |        |
| Height  | F3  | F3H    | F4     | F4H    | F5/F5H |
| C1. Accessory Building (max)                                | 25 ft   |        |        |        |        |

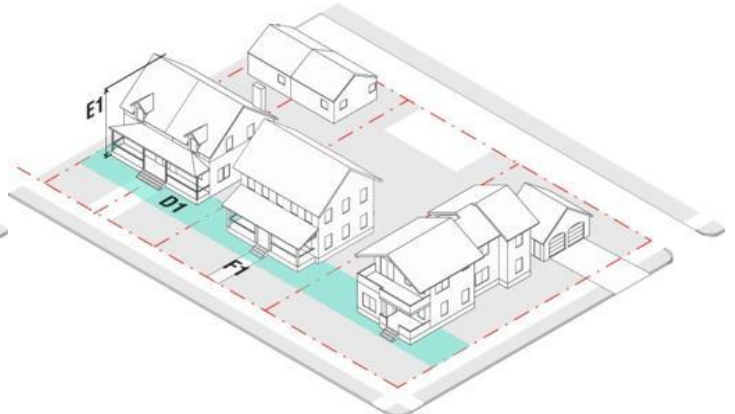
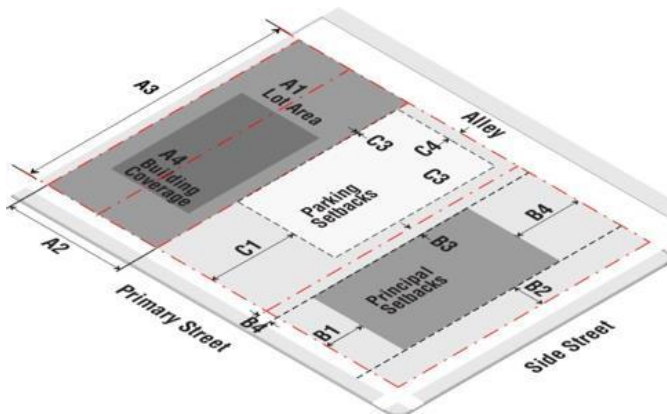


C2. Accessory Building – alley access only (max)

30 ft

(Ordinance 2021-10 adopted 4/20/21)

D. Duplex (F3, F3H, F4, F4H)



| Site/Lot Dimensions*           | F3      | F3H      | F4      | F4H     |
|--------------------------------|---------|----------|---------|---------|
| A1. Area (min)                 | 6000 sf | 10000 sf | 5000 sf | 6000 sf |
| A2. Width – interior lot (min) | 60 ft   | 65 ft    | 50 ft   | 60 ft   |
| A2. Width – corner lot (min)   | 70 ft   | 75 ft    | 60 ft   | 75 ft   |
| A3. Depth (min)                | 110 ft  | 110 ft   | 110 ft  | 110 ft  |
| A4. Building Coverage          | 50%     | 40%      | 60%     | 55%     |
| A5. Impervious Coverage        | 60%     | 50%      | 70%     | 65%     |

\*Units can be divided into two individual lots as long as the combined site area is equal to the standards above.

| Building Setbacks             | F3  | F3H   | F4  | F4H   |
|-------------------------------|---|---|---|---|
| B1. From primary street (min) | 15 ft                                       | 20 ft*                                      | 10 ft                                       | 15 ft*                                      |
| B2. From side street (min)    | 10 ft                                       | 10 ft*                                      | 10 ft                                       | 10 ft*                                      |
| C3. From side lot line (min)  | 5 ft or 20% lot width, whichever is greater | 5 ft or 20% lot width, whichever is greater | 5 ft or 20% lot width, whichever is greater | 5 ft or 20% lot width, whichever is greater |
| C4. From rear lot line (min)  | 20 ft                                       | 20 ft                                       | 20 ft                                       | 20 ft                                       |

\* or the average of the setbacks on the block, whichever is greater.

| Parking Setbacks               | F3                                      | F3H   | F4    | F4H   |
|--------------------------------|---|-------|-------|-------|
| C1. From Primary Street (min)* | 30 ft                                   | 35 ft | 50 ft | 50 ft |
| C2. From Side Street (min)*    | 15 ft                                   | 15 ft | 15 ft | 15 ft |
| C3. From side lot line (min)   | 5 ft, 0 ft if shared with adjacent lot. |       |       |       |
| C4. From rear lot line (min)   | 5 ft                                    | 5 ft  | 5 ft  | 5 ft  |

\*Parking area must be setback a minimum of 15 ft from the wall of the home on the primary street or a minimum of 5 ft from the wall of the home on the side street.

| Build-to Zone | F3 | F3H | F4 | F4H |
|---------------|----|-----|----|-----|
|---------------|----|-----|----|-----|

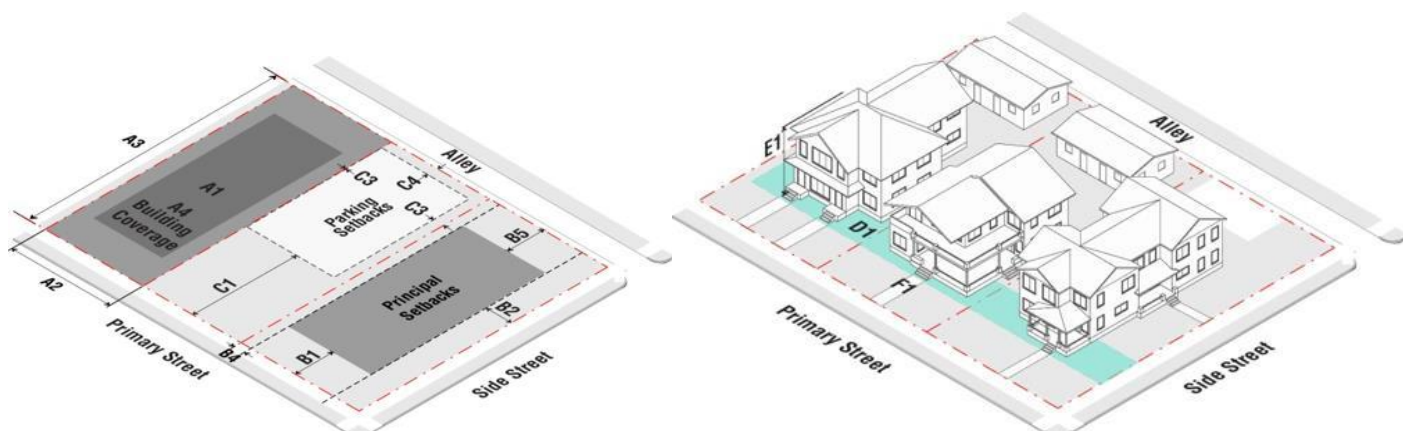
|   |                     |            |           |            |
|---|---------------------|------------|-----------|------------|
| D1. Primary Street (min/max)                                | B1. /B1. plus 10 ft |            |           |            |
| D2. Building Width in Build-to (min)                        | 40%                 | 40%        | 70%       | 60%        |
| <b>Height</b>   | <b>F3</b>           | <b>F3H</b> | <b>F4</b> | <b>F4H</b> |
| E1. All Buildings (max)                                     | 30 ft               | 30 ft      | 35 ft     | 35 ft      |
| <b>Pedestrian Access</b>                                    | <b>F3</b>           | <b>F3H</b> | <b>F4</b> | <b>F4H</b> |
| F1. One pedestrian entrance must front onto Primary Street. |                     |            |           |            |
| <b>Frontage Types</b>                                       | <b>F3</b>           | <b>F3H</b> | <b>F4</b> | <b>F4H</b> |
| Common Yard, Porch and Fence                                |                     |            |           |            |

Use note: Accessory dwelling not permitted in addition to Duplex

(Ordinance 2017-13 adopted 10/2/17)

#### E. Multiplex (F3, F3H, F4, F4H, F5)

A multiplex would typically take the form of a 3-plex or 4-plex, but would functionally look like a large single-family home. These are sometimes nicknamed a “houseplex.” These are often seen in historic areas where a large house/mansion is broken up internally and remodeled to have 2-4 living units.



| Lot Dimension                  | F3        | F3H        | F4           | F4H        | F5        |
|--------------------------------|-----------|------------|--------------|------------|-----------|
| A1. Area (min)                 | 9000 sf   | 11000 sf   | 8000 sf      | 9900 sf    | 7000 sf   |
| A2. Width - interior lot (min) | 90 ft     | 100 ft     | 80 ft        | 90 ft      | 70 ft     |
| A2. Width - corner lot (min)   | 100 ft    | 110 ft     | 90 ft        | 100 ft     | 100 ft    |
| A3. Depth (min)                | 110 ft    | 110 ft     | 100 ft       | 110 ft     | 100 ft    |
| A4. Building Coverage          | 55%       | 40%        | 60%          | 55%        | 70%       |
| A5. Impervious Coverage        | 65%       | 50%        | 70%          | 65%        | 80%       |
| <b>Building Setbacks</b>       | <b>F3</b> | <b>F3H</b> | <b>F4 ft</b> | <b>F4H</b> | <b>F5</b> |
| B1. From primary street (min)  | 15 ft*    | 15 ft*     | 15 ft        | 15 ft*     | 15 ft*    |
| B2. From side street (min)     | 10 ft*    | 10 ft*     | 10 ft        | 10 ft*     | 10 ft*    |
| B3. From side lot line (min)   | 5 ft*     | 5 ft*      | 5 ft         | 5 ft       | 5 ft*     |
| B4. From rear lot line (min)   | 15 ft*    | 15 ft*     | 15 ft        | 15 ft      | 15 ft*    |

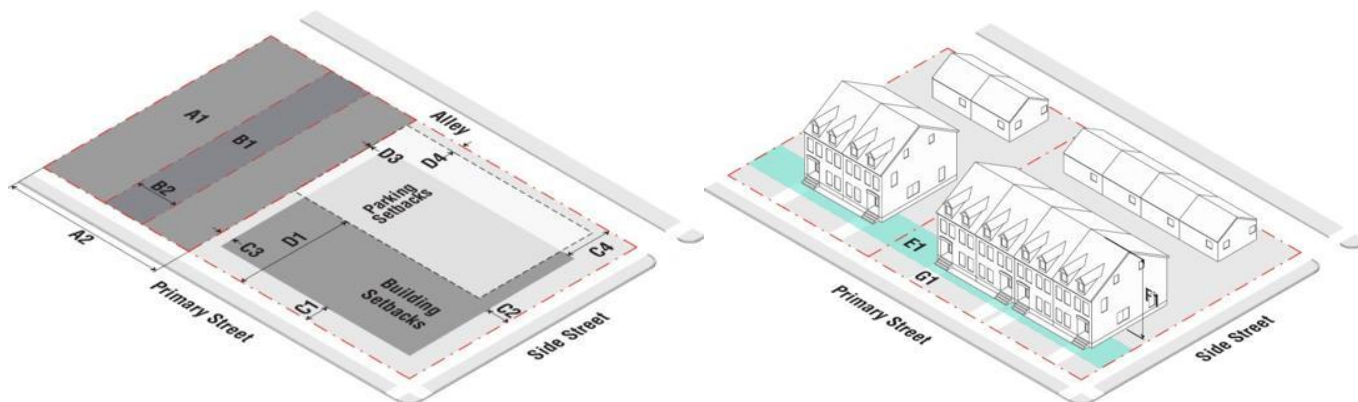
\*or the average of the setbacks on the block, whichever is greater

| <b>Parking Setbacks</b>  | <b>F3</b>                               | <b>F3H</b> | <b>F4</b> | <b>F4H</b> | <b>F5</b> |
|--|---|------------|-----------|------------|-----------|
| C1. From Primary Street (min)*   | 50 ft                                   | 50 ft      | 50 ft     | 50 ft      | 50 ft     |
| C2. From Side Street (min)*  | 15 ft                                   | 15 ft      | 15 ft     | 15 ft      | 15 ft     |
| C3. From side lot line (min)   | 5 ft, 0 ft if shared with adjacent lot. |            |           |            |           |
| C4. From rear lot line (min)   | 5 ft                                    | 5 ft       | 5 ft      | 5 ft       | 5 ft      |
| * Parking area must be setback a minimum of 30 ft from the wall of the home on the primary street or a minimum of 5 ft from the wall of the home on the side street. |   |            |           |            |           |
| <b>Build-to Zone</b>   | <b>F3</b>                               | <b>F3H</b> | <b>F4</b> | <b>F4H</b> | <b>F5</b> |
| D1. Primary Street (min/max)   | B1./B1. Plus 10 ft                      |            |           |            |           |
| D2. Building Width in Build-to (min)   | 50%                                     | 40%        | 70%       | 60%        | 80%       |
| <b>Height</b>  | <b>F3</b>                               | <b>F3H</b> | <b>F4</b> | <b>F4H</b> | <b>F5</b> |
| E1. All Buildings (max)  | 35 ft                                   | 35 ft      | 35 ft     | 35 ft      | 35 ft     |
| <b>Pedestrian Access</b>   | <b>F3</b>                               | <b>F3H</b> | <b>F4</b> | <b>F4H</b> | <b>F5</b> |
| F1. One pedestrian entrance must front onto Primary Street.  |   |            |           |            |           |
| <b>Frontage Types</b>  | <b>F3</b>                               | <b>F3H</b> | <b>F4</b> | <b>F4H</b> | <b>F5</b> |
| Common Yard, Porch and Fence   |   |            |           |            |           |

Use note: Accessory dwellings are not allowed on a lot containing a Multiplex.

(Ordinance 2021-10 adopted 4/20/21)

F. Townhouse (F4, F4H, F5, F5H)



| <b>Site Dimensions</b>   | <b>F4</b> | <b>F4H</b> | <b>F5</b> | <b>F5H</b> |
|--------------------------|-----------|------------|-----------|------------|
| A1. Net Site Area (min)  | 6000 sf   | 7000 sf    | 5000 sf   | 6000 sf    |
| A2. Net Site Width (min) | 50 ft     | 70 ft      | 50 ft     | 50 ft      |
| A3. Net Site Depth (min) | 100 ft    | 100 ft     | 100 ft    | 100 ft     |
| A3. Outdoor Amenity Zone | 10%       | 10%        | 10%       | 10%        |
| <b>Lot Dimensions</b>    | <b>F4</b> | <b>F4H</b> | <b>F5</b> | <b>F5H</b> |
| B1. Area (min)           | 2500 ft   | 3000 ft    | 2000 ft   | 3000 ft    |
| B2. Width (min)          | 25 ft     | 30ft       | 20 ft     | 30 ft      |

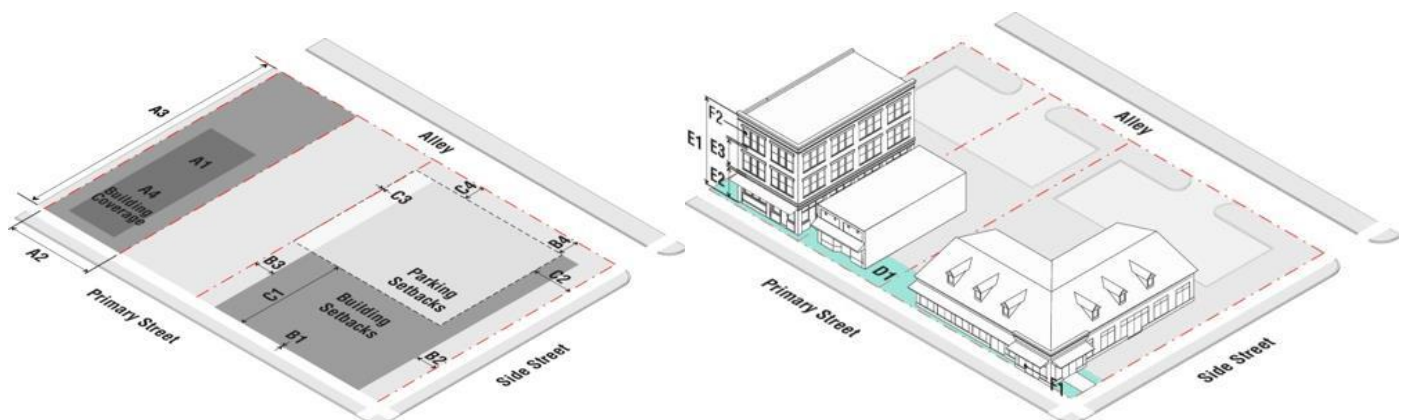


|   |                     |            |           |            |
|---|---------------------|------------|-----------|------------|
| B3. Building Coverage   | 60%                 | 55%        | 80%       | 60%        |
| B4. Impervious Coverage   | 70%                 | 65%        | 90%       | 70%        |
| <b>Building Setbacks</b>  | <b>F4</b>           | <b>F4H</b> | <b>F5</b> | <b>F5H</b> |
| C1. From primary street (min)   | 10 ft               | 10 ft      | 0 ft      | 0 ft       |
| C2. From side street (min)  | 10 ft               | 10 ft      | 10 ft     | 10 ft      |
| C3. From side lot line (min)  | 0 or 5 ft           | 0 or 5 ft  | 0 or 5 ft | 0 or 5 ft  |
| C4. From rear lot line (min)  | 15 ft               | 15 ft      | 10 ft     | 10 ft      |
| <b>Parking Setbacks</b>   | <b>F4</b>           | <b>F4H</b> | <b>F5</b> | <b>F5H</b> |
| D1. From Primary Street (min)*  | 50 ft               | 50 ft      | 50 ft     | 50 ft      |
| D2. From Side Street (min)*   | 15 ft               | 15 ft      | 15 ft     | 15 ft      |
| D3. From side lot line (min)  | 0 or 5 ft           | 5 ft       | 0 or 5 ft | 0 or 5 ft  |
| D4. From rear lot line (min)  | 5 ft                | 5 ft       | 5 ft      | 5 ft       |
| *Parking area must be setback a minimum of 30 ft from the wall of the home on the primary street or a minimum of 5 ft from the wall of the home on the side street. |                     |            |           |            |
| <b>Build-to Zone</b>  | <b>F4</b>           | <b>F4H</b> | <b>F5</b> | <b>F5H</b> |
| E1. Primary Street (min/max)  | C1. /C1. plus 10 ft |            |           |            |
| E2. Building Width in Build-to (min)  | 80%                 | 80%        | 90%       | 90%        |
| <b>Height</b>   | <b>F4</b>           | <b>F4H</b> | <b>F5</b> | <b>F5H</b> |
| F1. All Buildings (max)   | 35 ft               | 35 ft      | 35 ft     | 35 ft      |
| <b>Pedestrian Access</b>  | <b>F4</b>           | <b>F4H</b> | <b>F5</b> | <b>F5H</b> |
| G1. One pedestrian entrance must front onto Primary Street.   |                     |            |           |            |
| <b>Frontage Types</b>   | <b>F4</b>           | <b>F4H</b> | <b>F5</b> | <b>F5H</b> |
| Porch and Fence, Stoop  |                     |            |           |            |

Use note: Accessory dwelling not permitted in addition to Townhouse

(Ordinance 2017-13 adopted 10/2/17)

G. General Building (F4, F4H, F5, F5H)

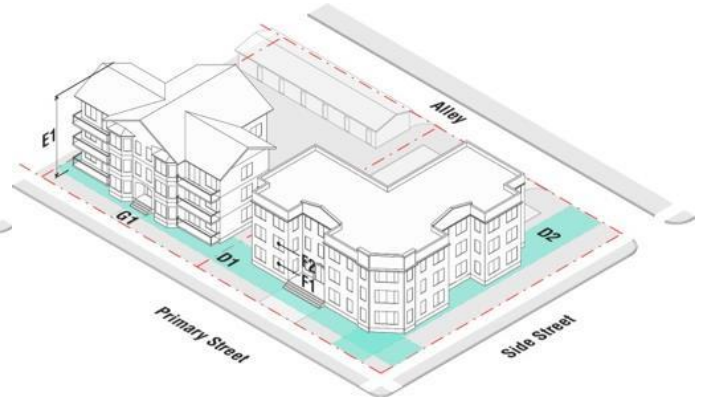
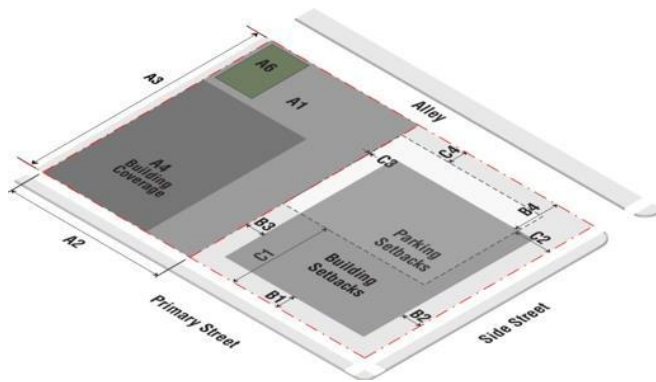


|                      |                |           |            |
|----------------------|----------------|-----------|------------|
| <b>Lot Dimension</b> | <b>F4/F4H*</b> | <b>F5</b> | <b>F5H</b> |
|----------------------|----------------|-----------|------------|

|  |                    |           |            |
|--|--------------------|-----------|------------|
| A1. Area (min)   | 5000 ft            | 4500 ft   | 4000 ft    |
| A2. Width – interior (min)   | 50 ft              | 45 ft     | 30 ft      |
| A2. Width – corner (min)   | 55 ft              | 40 ft     | 35 ft      |
| A3. Depth (min)  | 100 ft             | 100 ft    | 100 ft     |
| A4. Building Coverage  | 60%                | 75%       | 60%        |
| A5. Impervious Coverage  | 75%                | 90%       | 75%        |
| <b>Building Setbacks</b>   | <b>F4/F4H*</b>     | <b>F5</b> | <b>F5H</b> |
| B1. From primary street (min)  | 0 ft               | 0 ft      | 0 ft       |
| B2. From side street (min)   | 10 ft              | 5 ft      | 5 ft       |
| B3. From side lot line (min)   | 0 or 5 ft          | 0 or 5 ft | 0 or 5 ft  |
| B4. From rear lot line (min)   | 15 ft              | 10 ft     | 10 ft      |
| <b>Parking Setbacks</b>  | <b>F4/F4H*</b>     | <b>F5</b> | <b>F5H</b> |
| C1. From Primary Street (min)  | 50 ft              | 50 ft     | 50 ft      |
| C2. From Side Street (min)   | 5 ft               | 5 ft      | 5 ft       |
| C3. From side lot line (min)   | 0 ft               | 0 ft      | 0 ft       |
| C4. From rear lot line (min)   | 5 ft               | 5 ft      | 5 ft       |
| <b>Build-to-Zone</b>   | <b>F4/F4H*</b>     | <b>F5</b> | <b>F5H</b> |
| D1. Primary Street (min/max)   | B1./B1. Plus 10 ft |           |            |
| D2. Building Width in Build-to (min)   | 80%                | 90%       | 90%        |
| <b>Height</b>  | <b>F4/F4H*</b>     | <b>F5</b> | <b>F5H</b> |
| E1. Primary Building (max)   | 45 ft              | 45 ft     | 35 ft      |
| <b>Transparency</b>  | <b>F4/F4H*</b>     | <b>F5</b> | <b>F5H</b> |
| F1. Ground Story (min)   | 20%                | 30%       | 30%        |
| F2. Upper Story (min)  | 15%                | 20%       | 20%        |
| <b>Pedestrian Access</b>   | <b>F4/F4H*</b>     | <b>F5</b> | <b>F5H</b> |
| One pedestrian entrance must front onto Primary Street.  |                    |           |            |
| <b>Vehicular Access</b>  | <b>F3H</b>         | <b>F4</b> | <b>F4H</b> |
| Vehicular access should be located off of the alley or secondary street. Vehicular access should be discouraged off of the primary street. |                    |           |            |
| <b>Frontage Types</b>  | <b>F4/F4H*</b>     | <b>F5</b> | <b>F5H</b> |
| Shopfront, Gallery, Arcade, Slip Road Parking  |                    |           |            |

\*Building type permitted in F4H where not located within the Historic Overlay.

H. Apartment (F4, F5, F5H)



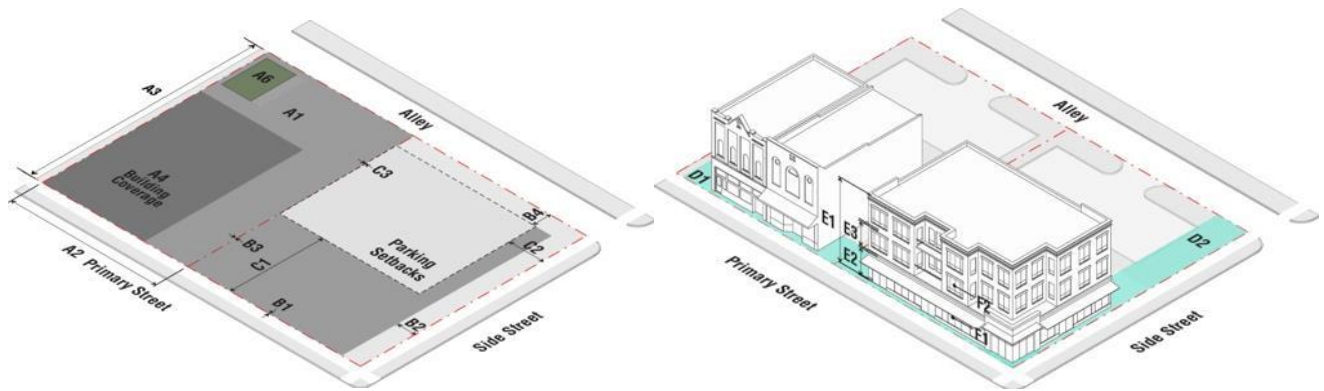
| Lot Dimension                        | F4*                | F5*        | F5H*        |
|--------------------------------------|--------------------|------------|-------------|
| A1. Area (min)                       | 15,000 ft          | 10,000 ft  | 12,000 ft   |
| A2. Width (min)                      | 100 ft             | 100 ft     | 100 ft      |
| A3. Depth (min)                      | 150 ft             | 100 ft     | 120 ft      |
| A4. Building Coverage                | 65%                | 75%        | 60%         |
| A5. Impervious Coverage              | 75%                | 85%        | 75%         |
| A6. Green Space                      | 25%                | 15%        | 20%         |
| <b>Building Setbacks</b>             | <b>F4*</b>         | <b>F5*</b> | <b>F5H*</b> |
| B1. From primary street (min)        | 10 ft              | 10 ft      | 10 ft       |
| B2. From side street (min)           | 10 ft              | 5 ft       | 5 ft        |
| B3. From side lot line (min)         | 0 or 5 ft          | 0 or 5 ft  | 0 or 5 ft   |
| B4. From rear lot line (min)         | 15 ft              | 10 ft      | 10 ft       |
| <b>Parking Setbacks</b>              | <b>F4*</b>         | <b>F5*</b> | <b>F5H*</b> |
| C1. From Primary Street (min)        | 20 ft              | 20 ft      | 20 ft       |
| C2. From Side Street (min)           | 5 ft               | 5 ft       | 5 ft        |
| C3. From side lot line (min)         | 0 ft               | 0 ft       | 0 ft        |
| C4. From rear lot line (min)         | 5 ft               | 5 ft       | 5 ft        |
| <b>Build-to-Zone</b>                 | <b>F4*</b>         | <b>F5*</b> | <b>F5H*</b> |
| D1. Primary Street (min/max)         | B1./B1. Plus 10 ft |            |             |
| D2. Side Street (min/max)            | 10 ft/20 ft        | 5 ft/15 ft | 5 ft/15 ft  |
| D3. Building Width in Build-to (min) | 80%                | 90%        | 90%         |
| <b>Height</b>                        | <b>F4*</b>         | <b>F5*</b> | <b>F5H*</b> |
| D1. Primary Building (max)           | 45 ft              | 45 ft      | 35 ft       |
| <b>Transparency</b>                  | <b>F4*</b>         | <b>F5*</b> | <b>F5H*</b> |
| F1. Ground Story (min)               | 15%                | 20%        | 20%         |
| F2. Upper Story (min)                | 15%                | 15%        | 15%         |
| <b>Pedestrian Access</b>             | <b>F4*</b>         | <b>F5*</b> | <b>F5H*</b> |

|   |            |            |             |
|---|------------|------------|-------------|
| G1. One pedestrian entrance must front onto Primary Street  |            |            |             |
| <b>Vehicular Access</b>   | <b>F4*</b> | <b>F5*</b> | <b>F5H*</b> |
| Vehicular access should be located off of the alley or secondary street.<br>Vehicular access should be discouraged off of the primary street. |            |            |             |
| <b>Frontage Types</b>   | <b>F4*</b> | <b>F5*</b> | <b>F5H*</b> |
| Porch and Fence, Forecourt, Stoop   |            |            |             |

\*Apartments require an SUP when located in F4, F5 or F5H. Refer to [2.10.09](#).

Use note: Accessory dwelling not permitted in addition to Apartment

I. Mixed-Use Building (F4/F4H F5, F5H)



| Lot Dimension                 | F4/F4H*    | F5         | F5H        |
|-------------------------------|------------|------------|------------|
| A1. Area (min)                | 15,000 ft  | 10,000 ft  | 12,000 ft  |
| A2. Width (min)               | 100 ft     | 100 ft     | 100 ft     |
| A3. Depth (min)               | 150 ft     | 125 ft     | 120 ft     |
| A4. Building Coverage         | 65%        | 80%        | 60%        |
| A5. Impervious Coverage       | 85%        | 90%        | 75%        |
| A6. Green Space               | 25%        | 10%        | 10%        |
| Building Setbacks             | F4/F4H*    | F5         | F5H        |
| B1. From primary street (min) | 0 ft       | 0 ft       | 0 ft       |
| B2. From side street (min)    | 5 ft       | 5 ft       | 5 ft       |
| B3. From side lot line (min)  | 0 or 5 ft  | 0 or 5 ft  | 0 or 5 ft  |
| B4. From rear lot line (min)  | 15 ft      | 10 ft      | 10 ft      |
| Parking Setbacks              | F4/F4H*    | F5         | F5H        |
| C1. From Primary Street (min) | 20 ft      | 20 ft      | 20 ft      |
| C2. From Side Street (min)    | 5 ft       | 5 ft       | 5 ft       |
| C3. From side lot line (min)  | 0 ft       | 0 ft       | 0 ft       |
| C4. From rear lot line (min)  | 5 ft       | 5 ft       | 5 ft       |
| Build-to-Zone                 | F4/F4H*    | F5*        | F5H        |
| D1. Primary Street (min/max)  | 0 ft/10 ft | 0 ft/10 ft | 0 ft/10 ft |

|  |                |            |            |
|--|----------------|------------|------------|
| D2. Side Street (min/max)  | 5 ft/15 ft     | 5 ft/15 ft | 5 ft/15 ft |
| D3. Building Width in Build-to (min)   | 80%            | 90%        | 90%        |
| <b>Height</b>  | <b>F4/F4H*</b> | <b>F5</b>  | <b>F5H</b> |
| E1. Primary Building (max)   | 45 ft          | 45 ft      | 35 ft      |
| <b>Transparency</b>  | <b>F4/F4H*</b> | <b>F5</b>  | <b>F5H</b> |
| F1. Ground Story (min)   | 50%            | 50%        | 50%        |
| F2. Upper Stories (min)  | 15%            | 15%        | 15%        |
| <b>Ground Floor Retail</b>   | <b>F4*</b>     | <b>F5</b>  | <b>F5H</b> |
| % of ground floor retail use (min)   | 30%            | 50%        | 50%        |
| <b>Pedestrian Access</b>   | <b>F4/F4H*</b> | <b>F5</b>  | <b>F5H</b> |
| One pedestrian entrance must front onto Primary Street   |                |            |            |
| <b>Vehicular Access</b>  | <b>F4/F4H*</b> | <b>F5</b>  | <b>F5H</b> |
| Vehicular access should be located off of the alley or secondary street. Vehicular access should be discouraged off of the primary street. |                |            |            |
| <b>Frontage Types</b>  | <b>F4/F4H*</b> | <b>F5</b>  | <b>F5H</b> |
| Shopfront, Gallery, Arcade, Slip Road Parking  |                |            |            |

\*Building type permitted in F4H where not located within the Historic Overlay, if proposed within the Historic Overlay requires an SUP.

## 02.09.06. Residential Adjacency

### A. Purpose

The intent of this section is to preserve and protect the integrity of single family residential neighborhoods, to protect the quiet enjoyment of single family residential properties, and to maintain property values.

### B. Applicability

1. The following residential adjacency standards shall apply to all non-single family residential buildings or uses that lie within four hundred (400) feet of properties used for single family residences in the Estate Residential (R-1) District, Suburban Residential (R-2) District, or One & Two Family Residential (R-3) District.
2. For purposes of the section, the four hundred (400) foot distance shall be measured from the non-single family residential building or use to the property line of the single family residence.

### C. Land Uses Requiring a Specific Use Permit

1. The following uses require a Specific Use Permit when located within the Arterial Business (B-2) District and within four hundred (400) feet of residential uses, in addition to the regulations of [2.06.05. Use Chart](#):
  - a. Automobile Parts Store
  - b. Automobile Service Garage (Major)
  - c. Automobile Service Garage (Minor)
  - d. Car Wash, Full Service

- e. Car Wash, Self Service
- f. Feed Store
- g. Gasoline Filling or Service Station/Car Wash
- h. Grocery, Supermarket
- i. Shooting Range, Indoor

2. In the event of a conflict between this section and [2.06.05](#), Use Chart, the more strict application shall apply.

#### D. Development Regulations

##### 1. Roof Design Standards

- a. To screen rooftop mechanical equipment, other appurtenances, and flat or built-up roofs, all structures having a footprint of 6,000 square feet or less shall be constructed with a pitched roof.
- b. Those structures having a footprint greater than 6,000 square feet shall be constructed with either a pitched, parapet, or mansard roof system (enclosed on all sides).
- c. Standing seam metal roofs shall be constructed of a factory-treated, non-metallic, non-reflective matte finish.
- d. Metal roofs with lapped seamed construction, bituminous built-up roofs, and flat, membrane-type roofs that are visible are not permitted.

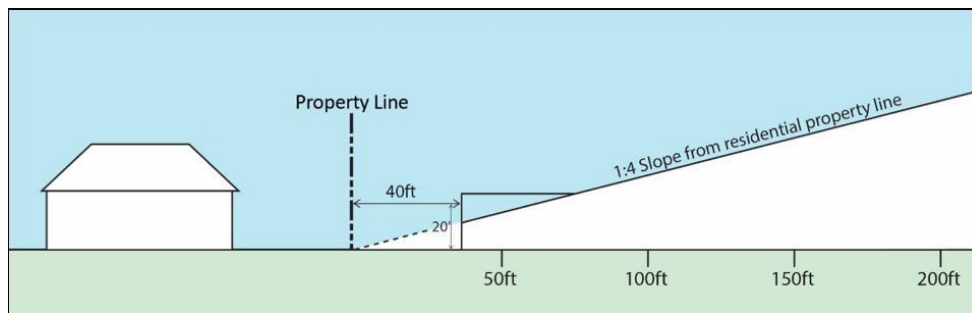
##### 2. Loading and Service Areas

- a. Loading and service areas shall be located at the side or rear of buildings.
- b. Where visible from the property line, a solid masonry screening wall at least ten (10) feet in height shall be required to screen views of loading docks and loading spaces intended for tractor/semi-trailer delivery. This wall must screen the entire loading dock or space.
- c. Screening materials shall utilize similar masonry materials to the building's facades.
- d. The accommodation of adequate access for service delivery trucks may be evaluated to determine the extent of screening required.

##### 3. Building Setbacks and Height

- a. A non-single family structure shall not be built within forty (40) feet of a single family residential property line.
- b. Structures set back at least forty (40) feet from the property line may be up to twenty (20) feet in height, or up to a line having a slope of 1:4 from the single family residential property line, whichever is greater (see Figure 30).

**Figure 30. Residential Slope Analysis**



#### 4. Screening

See [2.09.02. B](#). Screening and Fencing of Nonresidential, Mixed Use, Multi-Family, and Manufactured Home Parks.

#### 5. Lighting

- a. Mounting height of light fixtures shall not exceed fourteen (14) feet within fifty (50) feet of properties used for single family residences.
- b. See [2.09.12](#). Lighting for other regulations related to lighting.

#### 6. Landscaping

- a. For buildings less than twenty-four (24) feet in height, a row of Shade Trees shall be planted on thirty (30) foot centers along the property line adjacent to the single family use or district.
- b. For buildings twenty-four (24) feet in height or greater, two (2) alternating rows of Shade Trees shall be planted on thirty (30) foot centers adjacent to the single family use or district.

#### 7. Refuse Receptacles

- a. No trash receptacles or recycling receptacles shall be located within fifty (50) feet of properties used for single family residences, unless there is no other feasible location and the Director of Planning determines the placement will not have a significant effect on the nearby residential properties.
- b. Trash and recycling receptacles shall be four sided with a metal gate and shall be located to the side or rear of the principal building.
- c. Trash and recycling receptacles shall be screened by a solid masonry screen at least eight (8) feet in height and shall utilize similar masonry materials to the building's facades.
- d. Refer to [2.08.01. E](#) for refuse receptacle standards within Form Districts

**Figure 31. Example of Refuse Receptacle Screening**





## **02.10.09. Specific Use Permit (SUP) Regulations and Procedures**

### **A. General**

The uses listed under the various districts within the Use Chart as “S” or Specific Use Permit (SUP) are so classified because they may have adverse effects or more intensely dominate the area in which they are located than do other uses permitted in the district.

### **B. Specific Use Permit (SUP) Application Process**

#### **1. Procedures for Processing an SUP**

- a. The Director of Planning shall initiate review of the SUP.
- b. Planning and Zoning Commission shall review and recommend approval, approval with conditions, or denial of the SUP to the City Council.
- c. After receiving recommendation from Planning and Zoning Commission, City Council shall approve, approve with conditions, or deny the SUP. Although the approval of the SUP does not change the zoning classification.
- d. Both Planning and Zoning Commission and City Council shall provide the required public hearing and notice in accordance with [2.10.04](#). Public Hearings and Notification Requirements.

#### **2. Compatibility Conditions**

- a. The Planning and Zoning Commission and City Council may require conditions and safeguards as necessary to protect adjoining property.
- b. A use allowed by an SUP shall be in general conformance with the Comprehensive Plan and contain such requirements and safeguards as are necessary to protect adjoining property.

#### **3. Required Information**

- a. Each Application shall be accompanied by a Site Plan (see [2.10.07](#). Site Plans) and such other information as is required by this UDC.
- b. The Planning and Zoning Commission or City Council may require additional information, operating data and expert evaluation concerning the location and function and characteristics of any building or use proposed.

### **C. Specific Use Permit Regulations**

1. In recommending that an SUP for the premises under consideration to be granted, the City Council shall determine that such uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall consider the following factors:

- a. Safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site;
- b. Adequate means of ingress and egress to public streets or approved access easements and appropriate paving widths of streets, alleys and sidewalks to accommodate traffic generated by the proposed use;
- c. Provisions for drainage;
- d. Adequate off-street parking and loading;
- e. Safety from fire hazard and measures for fire control;



- f. Protection against negative effects of noise, glare and lighting on the character of the neighborhood, protective screening and open space;
- g. Heights of structures; and
- h. Compatibility of buildings and such other measures as will secure and protect the public health, safety, and general welfare.

2. In granting an SUP, the City Council may impose conditions and time limits which shall be complied with by the owner or grantee before a Certificate of Occupancy may be issued by the Building Official for use of the building on such property pursuant to such SUP, and such conditions are precedent to granting of the Certificate of Occupancy.

D. Acceptance and Agreed Compliance by the Applicant, Owner, and Grantee

No SUP shall be granted unless the Applicant of the SUP shall be willing to accept and agree to be bound by and comply with the ordinance adopting the SUP, as well as the attached Site Plan drawings approved by the City Council and shall comply with the minimum requirements provided in the zoning district in which the property is located.

E. Specific Use Permit Expiration and Extension

1. SUP Expiration

- a. A SUP shall automatically expire if a building permit is not issued and construction begun within six (6) months of the granting of the SUP.

2. Specific Use Permit Extension

- a. The City Council may authorize an extension beyond the six (6) months upon recommendation by the Director of Planning.

F. Amendments Required for Changes

No building, premise, or land used under an SUP may be enlarged, modified, structurally altered, or otherwise significantly changed, unless an amendment to the approved SUP is granted for such enlargement, modifications, structural alteration, or change.

G. Prohibition of Board of Adjustment Action

The Board of Adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the granting, extension, revocation, modification or any other action taken relating to such SUP.

**02.10.11. Development in the Rural Heritage Overlay (O-R) District**

A. Intent

See [2.05.01](#). Rural Heritage Overlay (O-R) District.

B. Applicability

Unless otherwise stated in this section, the following regulations apply to all non-single family properties within the Rural Heritage Overlay (O-R) District. The following regulations are in addition to the underlying base district regulations. In the event of a conflict, the more restrictive regulations shall apply.

C. Buildings and Site Development

1. Buildings

All buildings or sites shall incorporate all of the following requirements:

- a. Roofs must be metal with a pitch of at least 4:12.
- b. Buildings must be oriented to face toward the roadway.
- c. Structures must be constructed of one hundred (100) percent Class A masonry; however fiber cement in a vertical Board and Batten style may comprise up to twenty-five (25) percent.

**Figure 50. Board and Batten Style**



2. Parking

- a. If parking is located between the front building face and the roadway, Internal Landscaping requirements of [2.09.01. A.2.d.i and ii](#) shall be doubled.

3. Streetscape

- a. All lighted signs must use reverse channel lettering (i.e., backlighting) or fully shielded downward-facing lamps (i.e., gooseneck lighting).

**Figure 51. Reverse Channel Lettering (Top) and Downward-Facing Lamps (Bottom)**



- b. Meandering sidewalks at least six (6) feet in width must be provided.
- c. To lessen light pollution along the corridors, the mounting height regulations of Table 27 shall apply in the district in place of those included in Table 21 on page 148.

**Table 27. Modified Mounting Heights for Lighting in Parking Areas**

| <b>Longest Dimension of Parking Area</b> | <b>Maximum Lighting Unit Mounting Height</b> |
|--|--|
| Zero – 60 Feet                           | 12 Feet                                      |
| 61 – 100 Feet                            | 16 Feet                                      |
| 101 Feet or Greater                      | 24 Feet                                      |

d. In addition to the requirements of [2.09.01](#), Landscaping, a street frontage buffer forty (40) feet in width shall be provided along the Right-of-Way of each designated corridor.

i. Parking areas are prohibited within this buffer.

ii. No Protected Tree, Signature Tree, or Heritage Tree shall be removed in the street frontage buffer except as necessary to allow access driveways perpendicular to the roadway.

iii. In addition to the landscaping requirements, each one hundred fifty (150) linear feet (or fraction thereof) of the required street frontage buffer shall consist of the following planting materials:

(a) A minimum of six (6) Shade Trees, of which at least four (4) shall be evergreen trees and no single tree species shall constitute more than one-third (1/3) of all required trees;

(b) A minimum of four (4) Ornamental Trees; and

(c) A minimum of thirty (30) Shrubs.

iv. Undeveloped properties or properties that do not contain structures or parking areas within two hundred (200) feet of the Right-of-Way shall be exempt from these street frontage buffer provisions.

#### 4. Alternatives

All buildings or sites must incorporate at least four (4) of the following alternatives:

a. Decorative split rail fencing not exceeding three (3) feet in height adjacent to the right-of-way along the entire width of the property (excluding ingress/egress);

b. Stained wood building accents (e.g., columns, shutters, trim)

c. No parking located in front of the building face;

d. Covered porch at least ten (10) feet deep and fifty (50) percent of the building face width (porch may extend into required buffer, must have consistent roof material);

e. Covered bicycle parking within fifty (50) feet of the main entrance, with dedicated spaces accessible without moving another bicycle to accommodate at least:

i. Five (5) bicycles for buildings less than seven thousand (7,000) square feet,

ii. Ten (10) bicycles for buildings between seven thousand (7,000) and thirty thousand (30,000) square feet, or

iii. Twenty (20) bicycles for buildings larger than thirty thousand (30,000) square feet.

f. All hardscape in front of the building face constructed entirely of an enhanced design, such as stained concrete, pavers, or stone.

g. All exterior lights operated by motion sensor only to turn off when no activity is present.

- h. Achieve all required elements and at least four (4) alternative options of Table 22. Low Impact Design Element Options (on page 155).

#### D. Land Use

Uses shall be permitted in the Rural Heritage Overlay (O-R) District as shown in [2.06.05](#). Use Chart, with the exception of those the as shown in Table 28.

##### 1. Location of Fuel Pumps (Accessory Use)

Fuel pumps must be located to the side or rear of the primary structure, except with Edwards Aquifer Recharge Zone or Contributing Zone is present on the property.

**Table 28. Uses Permitted in the Rural Heritage Overlay (O-R) District**

| Use Classification   | B-1 | B-2 | B-3 | LI | HI |
|--|-----|-----|-----|----|----|
| Automobile or Other Motorized Vehicle Sales  |     |     |     | S  | P  |
| Automobile Service Garage (Major)  |     |     |     | S  | P  |
| Automobile Service Garage (Minor)  |     | S   | S   | S  | P  |
| Car Wash, Full Service   |     | S   | S   | P  | P  |
| Car Wash, Self Service   |     | S   | S   | P  | P  |
| Equipment Sales  |     |     |     | S  | P  |
| Equipment Storage Building or Structure (Pertaining to Wireless Facilities)                  |     |     | S   | S  | P  |
| Feed Store   |     |     | S   | S  | S  |
| Restaurant or Cafeteria, with Curb or Drive-Thru Service                                     |     | S   | S   | P  | P  |
| Storage Units, Mini  |     |     |     | S  | P  |
| Warehouse  |     |     |     | S  | P  |
| Woodworking and Planing Mill   |     |     |     |    | S  |
| Adult Entertainment  |     |     |     |    |    |
| Heavy Industrial or Manufacturing Operations   |     |     |     |    |    |
| Heliport or Helistop   |     |     |     |    |    |
| Laundry, Commercial  |     |     |     |    |    |
| Manufactured Home Sales  |     |     |     |    |    |
| Pawn Shop  |     |     |     |    |    |
| Portable Building Sales  |     |     |     |    |    |
| Taxi Garage or Dispatch  |     |     |     |    |    |
| Wrecking or Auto Salvage Yard  |     |     |     |    |    |
| Nondepository Financial Institution/Payday Lending Establishment                             |     |     |     |    |    |
| * All conditions listed in <a href="#">2.06.06</a> . Conditional Standards remain applicable |     |     |     |    |    |

#### E. Alternative Compliance Option

A request for the following Alternative Compliance options may be submitted and acted upon in accordance with [2.11.01](#). Alternative Compliance:

1. Consider granting credit for existing plant material.

#### **02.10.12. Development in the Gateway Corridor Overlay (O-G) District**

##### **A. Intent**

See [2.05.02](#). Gateway Corridor Overlay (O-G) District.

##### **B. Applicability**

Unless otherwise stated in this section, the following regulations apply to all non-single family properties within the Gateway Corridor Overlay (O-G) District in addition to the regulations of each underlying base district. In the event of a conflict, the more restrictive regulations shall apply.

##### **C. Buildings and Site Development**

###### **1. Buildings**

- a. Buildings shall be set back no more than five (5) feet beyond the minimum front yard setback of the underlying base district, unless site restrictions prohibit such placement as determined by the City Engineer. This setback is measured by the portion of the building face closest to the street.
- b. Buildings with a ground floor area of larger than thirty thousand (30,000) square feet shall be designed to appear as separate but attached buildings through the use of building material changes, wall plane/horizontal articulation, and roofline/vertical articulation.
- c. The primary entrance for all buildings and ground-level leasable space shall be accessed by the front sidewalk.
- d. Windows shall comprise between fifty (50) and eighty (80) percent of each ground-level building elevation visible from the public right-of-way or accessible by sidewalk.

**Figure 52. Larger Building Designed to Appear as Separate Buildings**



###### **2. Parking**

- a. All parking shall be located behind the building.
- b. If covered parking is provided for vehicles, at least fifty (50) percent of the bicycle parking shall be covered.

###### **3. Streetscape**

- a. Sidewalks at least six (6) feet in width shall be provided.

- b. Retail buildings shall have canopies spanning seventy-five (75) percent of the frontage and extending over the sidewalk at least six (6) feet.

#### D. Land Use

Uses shall be permitted in the Gateway Corridor Overlay (O-G) District as shown in [2.06.05](#). Use Chart, with the exception of those the as shown in Table 29.

**Table 29. Uses Permitted in the Gateway Corridor Overlay (O-G) District**

| Use Classification   | B-1 | B-2 | B-3 | LI | HI |
|--|-----|-----|-----|----|----|
| Automobile or Other Motorized Vehicle Sales  |     |     |     | S  | P  |
| Automobile Service Garage (Major)  |     |     |     | S  | P  |
| Automobile Service Garage (Minor)  |     |     |     | S  | P  |
| Car Wash, Full Service   |     | S   | S   | P  | P  |
| Car Wash, Self Service   |     |     |     | P  | P  |
| Equipment Sales  |     |     |     | S  | P  |
| Equipment Storage Building or Structure (Pertaining to Wireless Facilities)                  |     |     | S   | S  | P  |
| Feed Store   |     |     | S   | S  | S  |
| Restaurant or Cafeteria, with Curb or Drive-Thru Service                                     |     | S   | S   | P  | P  |
| Storage Units, Mini  |     |     |     | S  | P  |
| Warehouse  |     |     |     | S  | P  |
| Woodworking and Planing Mill   |     |     |     |    | S  |
| Adult Entertainment  |     |     |     |    |    |
| Heavy Industrial or Manufacturing Operations   |     |     |     |    |    |
| Heliport or Helistop   |     |     |     |    |    |
| Laundry, Commercial  |     |     |     |    |    |
| Manufactured Home Sales  |     |     |     |    |    |
| Pawn Shop  |     |     |     |    |    |
| Portable Building Sales  |     |     |     |    |    |
| Taxi Garage or Dispatch  |     |     |     |    |    |
| Wrecking or Auto Salvage Yard  |     |     |     |    |    |
| Nondepository Financial Institution/Payday Lending Establishment                             |     |     |     |    |    |
| * All conditions listed in <a href="#">2.06.06</a> . Conditional Standards remain applicable |     |     |     |    |    |

#### E. Alternative Compliance Option

A request for the following Alternative Compliance options may be submitted and acted upon in accordance with [2.11.01](#). Alternative Compliance:

1. Consider granting credit for existing plant material.



# City Council Agenda Item Report

Date: Tuesday, March 1, 2022

## Agenda Item No. 2022-119- #I.1

Contact: Bianca Redmon

---

**Subject: Presentation on Public Improvement Districts (PIDs), Tax Increment Reinvestment Zones (TIRZ), and Municipal Utility Districts (MUDs) (Finance Director Bianca Redmon, Planning Director Melissa McCollum, Jennifer Ritter, Financial Advisor, and Richard Donoghue, Bond Attorney)**

---

**1. Executive Summary**

This item is to discuss various financing tools for economic development and is informational only.

**2. Background/History**

At a City Council meeting on February 1, 2022, a workshop was held regarding a proposed future Municipal Utility District (MUD), Development Agreement (DA), and Planned Development (PD) zoning change to allow a primarily residential development on the Bailey and Armbruster Tracts located within the cities of Buda and Austin Extra Territorial Jurisdiction (ETJ) previously known as Bailey/Persimmon development for approximately 775 acres off RM 967. At this meeting, a councilmember directed staff to provide a presentation to Council on PIDs, TIRZ, and MUDs.

**3. Staff's review and analysis**

Not applicable. Staff will present information on the various funding mechanisms as part of the presentation.

**4. Financial Impact**

No budget impact. The budget impact of each tool is specific to each project.

**5. Strategic Plan**

Balanced and Managed Growth

**6. Summary/Conclusion**

Not applicable.

**7. Pros and Cons**

Not applicable.

**8. Alternatives**

Not applicable.

**9. Recommendation**

Not applicable - informational only





Presentation to

**City of Buda, Texas**

**Public Improvement Districts & Tax Increment  
Reinvestment Zones**

Presented on March 1, 2022

# PUBLIC IMPROVEMENT DISTRICTS (PIDS)

# GENERAL CONCEPT OF A PID

- ▶ PIDs are a financing and development tool available to cities and counties and governed by Chapter 372 of the Texas Local Government Code
- ▶ A PID is created in a definable area and can be in the corporate limits or the ETJ of a city
- ▶ The purpose of a PID is to confer a special benefit on such defined area and those owners that are benefitted pay assessments for such authorized improvements

# Authorized Improvements for PIDs

- ▶ PIDs are authorized to make the following improvements:
  - ▶ Landscaping
  - ▶ Fountains, distinctive lighting, and signs
  - ▶ Sidewalks, streets, any other roadways, or their rights-of-way
  - ▶ Pedestrian malls
  - ▶ Installation of pieces of art
  - ▶ Libraries
  - ▶ Off-street parking
  - ▶ Mass transportation
  - ▶ Water, wastewater, or drainage facilities
  - ▶ Parks
  - ▶ Acquisition of real property in connection with an authorized improvement
  - ▶ Advertising, promotion, health and sanitation, water and wastewater, public safety, security, business recruitment, development, recreation, and cultural enhancement
  - ▶ Payment of expenses incurred in the establishment, administration, and operation of the PID
  - ▶ Affordable housing

# PID Policy

- Created by the City to outline requirements and procedures for Developers to follow for proposed PIDs
  
- PID Policy could address the following:
  - Maximum aggregate equivalent tax rate within a PID
  - City goals for development within an area
  - Affordable housing requirements
  - Public space requirements
  - City selection of its consulting team and service providers (i.e. bond counsel, financial advisor, PID consultant, underwriter)
  - Third party PID administration
  - Minimum Value to Loan ratio for a bond issuance (typically 3 to 1)
  - Other financing criteria for a bond issuance

# Creation of the PID

- ▶ Created by City Council action upon a petition from the landowner
- ▶ Petition sets out the estimated costs and improvements to be made in the PID
- ▶ A PID is not a separate governmental entity, it is a component of the City and governed by the City Council.
  - ▶ Since it is a distinct geographic district within the City with assessments and special benefits, a PID has its own separate identity to some extent, but for legal purposes it is a component of the City.

# PID Assessments

- ▶ City approves the levy of assessments on the land in the PID by Ordinance
- ▶ Assessments are subordinate to property taxes
- ▶ Assessments are senior to other liens on the property (other than taxes or purchase-money mortgage)
- ▶ Assessments are comprised of debt service on outstanding PID Bonds, administrative expenses, operation and maintenance and reserve funds set-up to secure payment of the PID Bonds

# Service and Assessment Plan

- ▶ A Service and Assessment Plan is approved by the City for the PID that sets out the following:
  - ▶ Property included in the PID
  - ▶ Public improvements and project costs
  - ▶ Assessment plan (benefits, allocation of costs)
  - ▶ Service plan (sources and uses of funds)
  - ▶ Annual indebtedness
  - ▶ Assessment roll
- ▶ The Service and Assessment Plan covers a period of five years, at minimum, and is reviewed and updated annually by the City Council, which must be done by Ordinance
- ▶ City Council apportions the cost of the improvements to be assessed according a methodology adopted by the City Council.
- ▶ The assessment roll attached to the Service and Assessment Plan sets out the assessment against each parcel of land or lot in the PID



# PID Administration

- ▶ PID administration costs are paid by the PID
- ▶ Typically, the City hires a third-party PID administrator to assist in the billing of assessments to property owners, collection of the assessments and administrative oversight of the PID
- ▶ The PID administrator also updates the Service and Assessment Plan on an annual basis for City Council approval
- ▶ The City must approve the PID invoices and oversee the administration of the PID
- ▶ The City is also responsible for initiating the foreclosure process on a landowner for non-payment of assessments in the same manner as enforcing non-payment of property taxes

# PID Bond Issuance

- ▶ PID Bonds are special obligations that are secured and payable solely through PID assessments
- ▶ Other than the revenue the City receives from assessments paid by property owners within the PID, the City itself is not liable for repayment of the Bonds (no general obligation of the City to pay PID Bonds)
  - ▶ However, the City's name is on the bonds and any negative activity regarding the PID Bonds will be associated with the City.
- ▶ All funds related to the PID are held by a Trustee through a Trust Indenture (an agreement between the City and a Trustee to represent the bondholders' interests)
- ▶ The Trust Indenture establishes the terms of the bonds and secures the PID assessment revenue stream for the bondholders

# City Obligations under the Trust Indenture

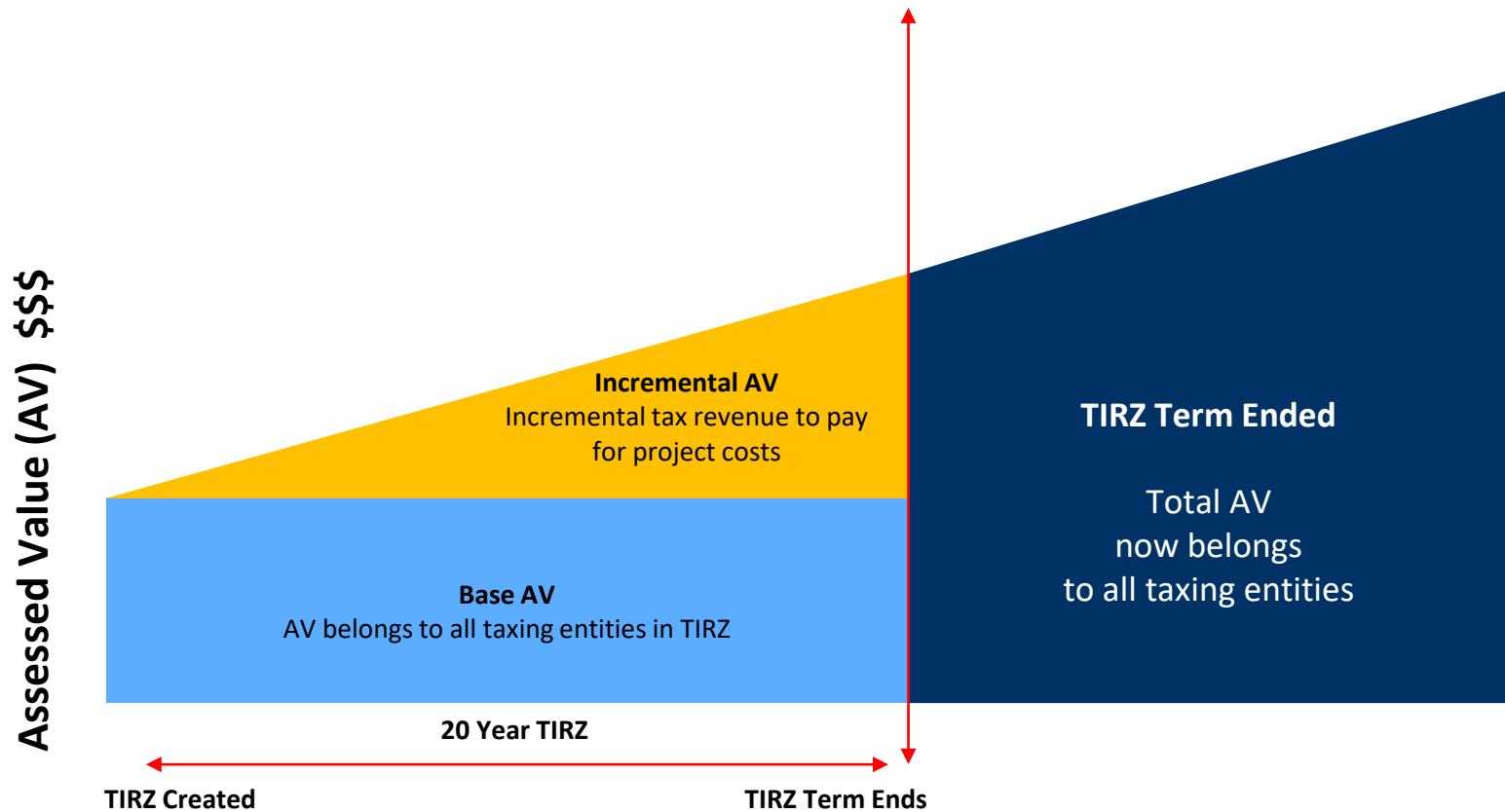
- ▶ Send Notice of Assessment to landowners in the PID
- ▶ Collect assessments from landowners in the PID
- ▶ Transfer collected assessments to the Trustee
- ▶ Take legal action to enforce the foreclosure process for delinquent assessments
- ▶ The City's PID Administrator usually performs these functions (other than foreclosure) and their fees/expenses are paid by the PID and not an obligation of the City

# TAX INCREMENT REINVESTMENT ZONES (TIRZ)

# GENERAL CONCEPT OF A TIRZ

- ▶ Tax Increment Reinvestment Zones are special zones created by City Council to attract new investment to an area
- ▶ A TIRZ can help finance the cost of redevelopment and encourage development in an area that would otherwise not attract sufficient market development in a timely manner
- ▶ Taxes attributable to new improvements (tax increments) are set-aside in a fund to finance improvements within the boundaries of the zone

# Tax Increment



# Criteria for TIRZ Creation

- *Criteria:*
  - ▶ City Council designates area by ordinance to be included in TIRZ
  - ▶ City ordinance must make finding that development would not occur solely through private investment in the foreseeable future
  - ▶ Area must be “unproductive, underdeveloped, or blighted area” as required by Article VIII, Sec. 1-g of the Texas Constitution
    - ▶ substantial number of substandard, slum, deteriorated or deteriorating structures
    - ▶ predominance of defective or inadequate sidewalk or street layout
    - ▶ faulty lot layout in relation in size, adequacy, accessibility or usefulness
    - ▶ unsanitary or unsafe conditions
    - ▶ deterioration of site or other improvements
    - ▶ tax or special assessment delinquency exceeding the fair value of the land
    - ▶ defective or unusual conditions of title
    - ▶ conditions that endanger life or property by fire or other cause
    - ▶ area is predominantly open with obsolete platting, deterioration of structures or site improvements, or other harmful factors

# Authorized Improvements for TIRZ

- ▶ A TIRZ is authorized to make the following improvements:
  - ▶ sidewalks, cross walks and pedestrian crossing systems
  - ▶ storm sewers and drainage ponds
  - ▶ sanitary sewers
  - ▶ landscaping, streetscape, fountains, works of art and benches
  - ▶ plazas, squares, pedestrian malls, trails and other public spaces
  - ▶ parking lots and roadways
  - ▶ utility line relocation and installation
  - ▶ water system improvements
  - ▶ parks and outdoor performance spaces
  - ▶ bicycle routes and facilities
  - ▶ public transportation projects
  - ▶ signage
  - ▶ other related necessary or convenient public improvements
  - ▶ improvements pursuant to 380 Agreements



# General TIRZ Timeline

- ▶ City prepares a preliminary reinvestment zone financing plan which includes estimated project costs and administrative expenses (final plan must be substantially similar)
- ▶ The City must publish notice of a public hearing at least 7 days before the hearing on the creation to create the TIRZ
- ▶ The City must hold a public hearing on the creation of the TIRZ
- ▶ After the public hearing the City Council must adopt an ordinance designating the area of the TIRZ and the TIRZ Board of Directors (the “TIRZ Board”)
- ▶ After the adoption of the ordinance, the TIRZ Board must prepare a project plan and reinvestment zone plan
- ▶ After approval of the project plan and reinvestment zone plan by the TIRZ Board, the City Council must also approve the plans and find that the plans are feasible

# The Final Financing Plan

- ▶ The Final Financing Plan should include, at minimum, the following:
  - ▶ detailed list of the estimated project costs of the TIRZ, including administrative expenses
  - ▶ a list of the kind, number and location of all proposed works or public improvements
  - ▶ an economic feasibility study
  - ▶ the estimated amount of bonded indebtedness to be incurred
  - ▶ the timing for incurring costs or monetary obligations
  - ▶ the methods for financing the improvements and expected sources of revenue with the percentage of tax increment to be derived from the property taxes levied by each taxing unit levying taxes within the TIRZ
  - ▶ the current total appraised value of the taxable real property in the TIRZ
  - ▶ the estimated captured appraised value of the TIRZ during each year
  - ▶ the duration of the zone (earlier of (1) date set forth in ordinance or (2) date all project costs, tax increment bonds or other obligations paid in full)

# Discussion & Questions

# Frontier® FiberOptic.

## Bringing Fiber to more homes



Frontier Communications

Buda, Texas  
March 1, 2022  
David Russell – VP External Affairs



1

### Frontier Fiber Optic Project

- ✓ Upgrades through fiber-to-the-home expansion
- ✓ Frontier® FiberOptic / 50 Mbps up to 2 Gbps service
- ✓ Fiber can provide additional future services

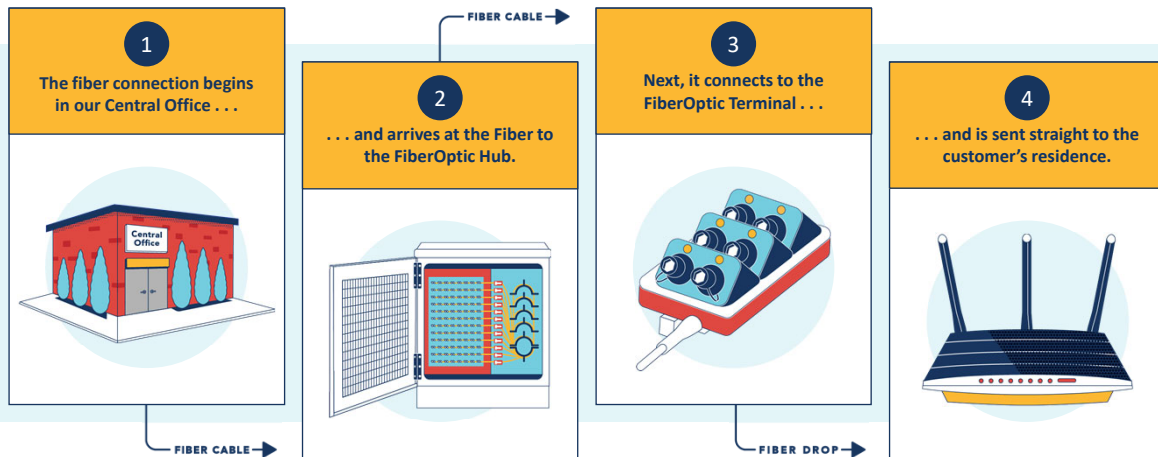


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## How Frontier FiberOptic Reaches You



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## Why Frontier FiberOptic Targeted Expansion Makes Sense



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## Bore Pits



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## Buried Terminal



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## Aerial Splice



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## ONT (Optical Network Terminal)



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• **Thank you!**

**David Russell** – VP External Affairs  
817-455-3187  
[David.Russell@ftr.com](mailto:David.Russell@ftr.com)







# City Council Agenda Item Report

Date: Tuesday, March 1, 2022

## Agenda Item No. 2022-99- #J.1

Contact: Ray Creswell

---

**Subject: Deliberation, update, and possible action to replace interior finishes, and provide furniture, fixtures, & equipment (FF&E) for the former Library at 303 Main Street for the Destination Services office space (Facilities Manager Ray Creswell) [PUBLIC TESTIMONY]**

---

### 1. Executive Summary

Staff will brief City Council on an update on cost to replace the interior finishes, replacement of equipment, miscellaneous repairs and provide FF&E in order to utilize the former library for offices for Destination Services as requested at the January 18, 2022 City Council meeting.

### 2. Background/History

The Welcome Center project has been a 3 year process, starting with:

2019:

January 15, - Re-use presentation by the Deputy City Manager of the former facilities downtown, with a consensus by Council was made to convert the former Library into a Visitor Center.

May 2019 - City Manager tasked staff to issue a RFQ for design services to be issued

- \* May 15 - RFQ Released

- \* June 14 - Sealed bids received and opened

- \* June 25 - Review Committee met to determine best and most qualified proposal

- \* July - November - Staff worked with the most qualified offer to finalize a satisfactory Agreement and have legal review and a final contract agreed upon.

September 3, - The budget for the Visitor Center was approved by Council in the FY20 budget funded from the Hotel Operations Tax (HOT) funds of \$75,000 for AE Services, \$400,000 towards Construction for a total of \$475,000

- \* December 3rd - Architect was presented to council for approval and FGM Architects was approved by Council.

December 15, - An A/E Agreement was signed and executed by both parties to start A/E Services.

2020:

January 2020 - Staff began working with the architect regarding overall scope for the Visitor Center.

June 2, - Staff presented to Council the proposed remodel design of the Visitor Center along with projected construction cost and FF&E cost. The FF&E cost was never factored in to the original

\$400,000 budgets for construction. Projected construction cost were: Construction \$560,909.94, Contingency \$50,931.82, Soft Cost \$77,264.00 = A/E's total projected construction budget of: \$638,173.94 + FF&E \$128,276 = \$766,449.00. Council asked staff to go back to the architect to see if any of the cost could be reduced. Council was in concurrence for staff to keep moving forward with the architect in working out the options and overall projected cost.

July 21 - Staff brought back to Council a revised design and provided Option A and Option B. Option A was as originally submitted but went back to look at the cost: Construction \$ 475,763.00; Contingency \$47,576; Soft Cost \$65,240.00 = \$588,579 projected cost + FF&E \$93,475.00 = \$682,054. Total projected project cost. Option B was utilizing the existing layout with new finishes and some demolishing of existing walls, minor new partitions, new HVAC Construction \$409,417.00; Contingencies \$40,942.00; Soft Cost \$65,240.00 = \$515,599.00 total project project cost + FF&E \$93,475.00 = 609,074.00 (Both Option A & B included replacing the HVAC systems with new.) Council Agreed to go with Option A and to go with replacing the existing HVAC systems. After deliberation the City Manager recommended delaying the project due to the impact of the HOT revenue funds by the COVID pandemic. Council Concurred.

#### 2021:

January 2021 - went back to the architect to start reviewing the overall cost to see where cost could be reduced further on the option A from the last presentation in July 2020 to Council.

June 1, Staff presented to Council the revised cost for the renovation work and the impact the pandemic was having in the construction industry. Because of material shortages, labor shortages and cost increases, the projected costs being asked for from the architect left too many unknowns in cost projections and possible inflated costs in the near future. In conclusion Council directed the City Manager to proceed with bidding the renovation work out on the Former Library.

October 27 Advertised IFB went out and advertised in the Hays Free Press.

November 8 - Pre Bid Conference held

November 10th Addendum 1 issued to extend dates

November 29 second Pre-Bid Conference held

December 8 - Second Addendum issued

December 15 - Bids received and opened at City Hall at 2:00 pm - 7 bids received

#### 2022:

On January 18, 2022, staff presented the reason for converting the former Library to a Welcome Center and the the bids received December 15, 2021 from the IFB 22-001 for the approved design for the Welcome Center. The bids received ranged from \$694,014.02 to \$807, 226.50. The City's original budget, as approved by Council, was \$470,000 for the Welcome Center project, to be funded by the Hotel Occupancy Tax (HOT Funds). Out of the originally budgeted \$475,000, design services were contracted for \$60,000, with an additional \$13,000 amended in the design contract to have the HVAC engineer replace the existing 18 year old HVAC units with new units. which would leave \$402,000 available for construction. Also, as a reminder FF&E was not originally included in the original approved budget, which would have required additional funds to furnish the facility. At the January 18, 2022 City Council Meeting, Council voted to reject all bids received, and chose to go with staff's alternative number 4 "Reject all bids and utilize the existing building as is with FF&E, finishes and hardware to be replaced" Council also requested staff go back and relook at the cost regarding FF&E, finishes and other cost related to up grade the look of the existing facility as is.

### **3. Staff's review and analysis**

Staff went back to the drawing board to re-evaluate the basic needs of the existing facility, as currently configured to determine what would be needed to make the existing facility a workable space that would benefit the City, its residents, visitors, the merchants and provide a workable space for a growing City staff to successfully administer and promote the viable attributes of the City. The overall basic finishes need to be replaced, since most of the finishes are approximately 10 to 20 years old. Light fixtures are original and need to be replaced throughout for energy efficiency. Carpet is well worn and needs to be replaced. The vinyl tile is worn, cracked and shows wear. The

bathroom plumbing hardware needs replacement. Ceiling tiles are sagging and shows wear due to age. Door lock sets are worn and needs replacement, door closures are broken and needs replacing. Walls need repainting throughout. A basic refresh of the building as it is currently configured can work for it's current needs, but needs a total refresh on the interior of the building. The proposed furnishing, furnishings, fixtures and equipment (FF&E) was reduced to bare minimum in order to scale the projected cost, since FF&E was not included in the original budget.

**4. Financial Impact**

The funding source for the original budget was from Hotel Occupancy Tax (HOT) as the facility will be housing the Destination Services Department. The operational impact is anticipated utilities and standard facility maintenance and repair services. The basic new finishes, other noted repairs, plus the FF&E are projected run \$178,877.00 which keeps the cost within the originally approved budget of \$400,000 for renovation cost. Finish replacement and miscellaneous repairs \$77,840.00 + FF&E \$51,037.00 + Contingency \$50,000 = \$178,877.00

**5. Strategic Plan**

Charming Downtown - Quaint and Lively; Fun Experiences for All - Outdoor Capital of Texas

**6. Summary/Conclusion**

Utilizing the existing building as is, replacing finishes, equipment and miscellaneous repairs and providing the basic FF&E, is within the original approved budget.

**7. Pros and Cons**

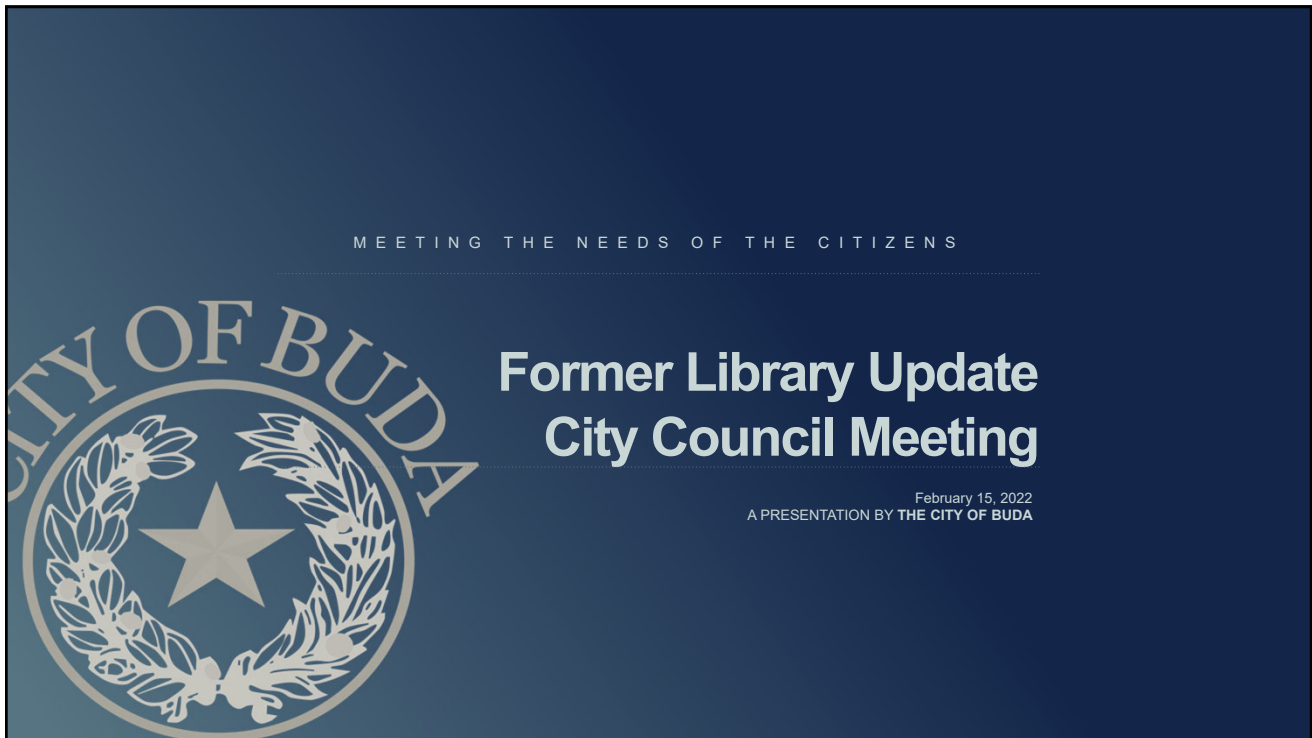
Pros: Replacing finishes and equipment (repainting walls, replacement of carpet, replacement of vinyl tile, replacement of ceiling tile and replacement of light fixtures) and miscellaneous repairs will provide a fresh look to the facility for both visitors and staff to provide a welcoming appeal to the building as well as reducing maintenance repairs and Facility budget cost for the next few years. Cons: Not replacing finishes, equipment and miscellaneous repairs provides a worn and poorly maintained facility which will result in additional cost for maintenance and repairs for the Facilities Budget through out the years to come.

**8. Alternatives**

1. Approve and allow staff to proceed with the proposed finish and equipment replacement, miscellaneous repairs and FF&E
2. Not approve the proposed new finishes and equipment replacement, miscellaneous repairs and FF&E and advise staff to work in the facility as is.
3. Approve and allow staff to proceed with the proposed finish and equipment replacement, and reduce the FF&E cost by eliminating items on the FF&E.

**9. Recommendation**

Since the proposed cost is within the originally approved budget of \$400,000, staff seeks direction from City Council regarding the proposed cost for the replacement of finishes, light fixtures, and minor miscellaneous repairs and the purchase of the required FF&E for staff use.



1

### **Former Library - History:**

The process for the Welcome Center has been a journey for 3 years.

2019

- January 15, -The former Library was identified by Council to be re-used as a Visitor Center (Later changed to Welcome Center)
- May 15, - A RFQ for Design Services was issued
- September 3, - Budget was approved for \$75,000 for A/E Services and \$400,000 for Construction from the HOT funds.
- December 3, – Successful Architect presented to Council and approved
- December 15, – A/E Services Agreement executed to start design services

2

## **Former Library - History:**

2020

- January, - Staff began working with the architect on the schematic layout of the existing structure and going over the needs and intended use of the facility.
- June 2, - Staff Presented to Council the Preliminary layout and projected costs. It was noted at the time the budget was put together FF& E had not been accounted for and was added to the overall project cost for \$766,449. Council asked staff and the architect to relook at the design and see what could be done to reduce the cost further.
- July 21, - Staff brought back the proposed alternates and revised projected cost to Council and presented an Option A & B for the proposed layout. Council approved Option A, with a projected cost of \$682,054, but asked staff to look at areas of cost reduction. City Manager asked to delay the project due to impact on the HOT funds due to the COVID Pandemic and Council concurred.

3

## **Former Library - History:**

2021

- January, staff went back to the architect to review the projected cost on Option A as approved by Council.
- June 1, - Staff Presented to Council the revised projected cost of \$673,801, but also had noted that the Pandemic was taking a toll on material and labor shortages and that an actual cost would not be known until the project was put out to bid. Council directed staff to issue the project out to bid.
- October 27, – IFB was advertised in the Hays Free Press and the Texas Bid Net
- November 8, – Pre-Bid Conference held at the former Library
- November 10, – Addendum #1 issued
- November 29, – Second Pre-Bid Conference held at the former Library
- December 8, – 2<sup>nd</sup> Addendum issued
- December 15, – Bids Received

4

## **Former Library - History:**

2022

- January 18, - Staff presented to Council the bids for IFB 22-001 received December 15, 2021 for the Option A design for the Former Library to a Welcome Center. The bids received ranged from \$694,014.02 to \$807,226.50.
- The City's original budget, as approved by Council in FY 20, was \$475,000 for the Welcome Center project, to be funded by the Hotel Occupancy Tax (HOT funds). Out of the originally budgeted \$475,000, design services were contracted for \$60,000, with an additional \$13,000 amended in the design to have the 18 year old HVAC system replaced, which left \$402,000 available for construction.
- FF&E was not originally included in the original approved budget, which would have required additional funds to furnish the facility.

5

## **Former Library - History:**

2022 Continued)

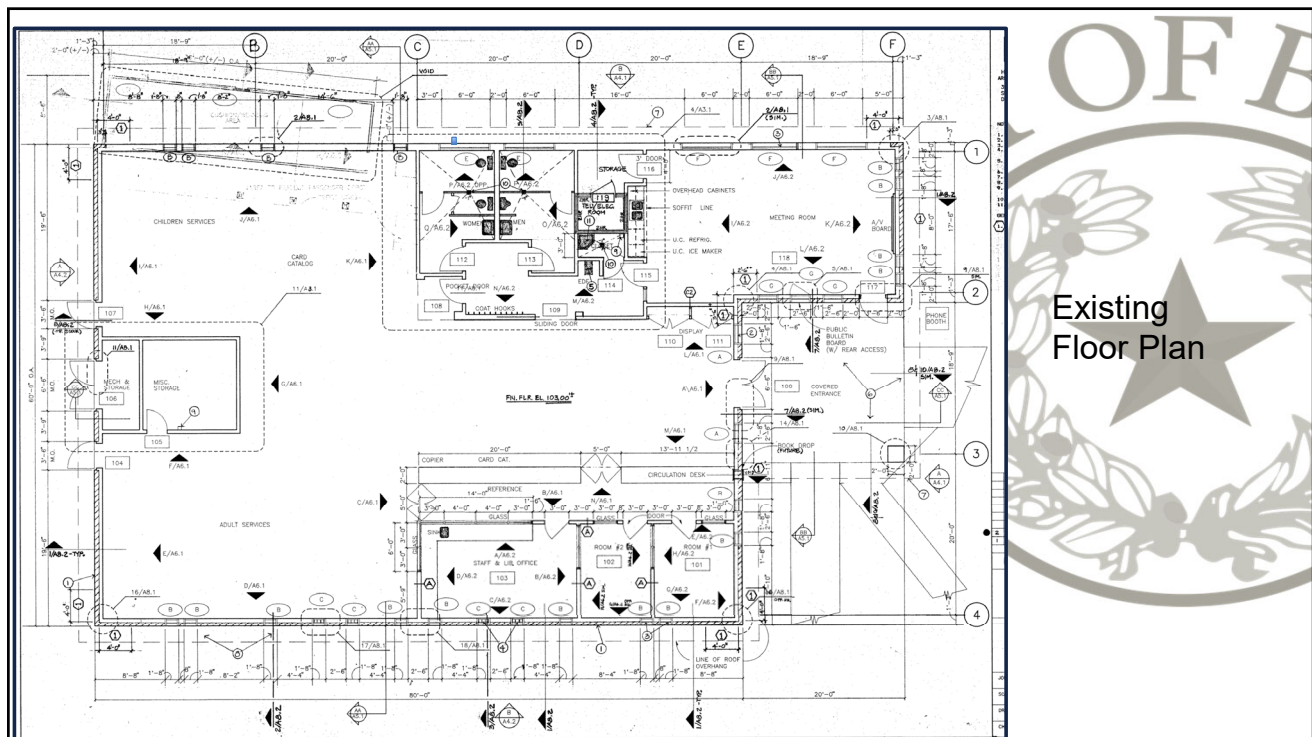
- At the January 18, City Council Meeting, Council voted to reject all bids received, and chose to go with staff's alternative number 4 "Reject all bids and utilize the existing building as is with FF&E, finishes and hardware to be replaced"
- Council requested staff go back and relook at the cost regarding FF&E, finishes and other cost related to up grade the look of the existing facility as is and provide Council an update on cost.

6

## Former Library / Welcome Center:

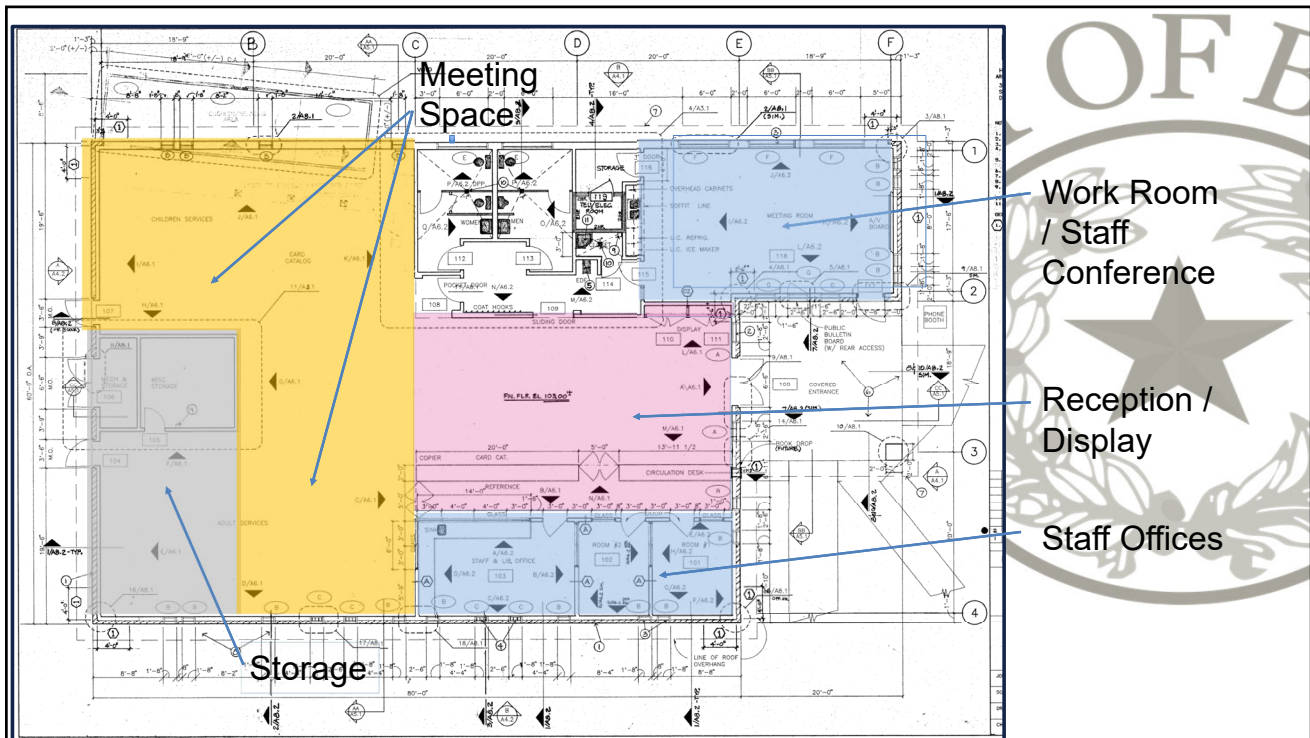
- Staff re-evaluated the basic needs of the existing facility, as currently configured to determine what would be needed to make the existing facility a workable and functional space that would benefit the City, its residents, visitors, the merchants and provide a workable space for a growing City staff to successfully administer and promote the viable attributes of the City as required by Destination Services.

7



8





9

## **Former Library – Refurbishing Scope:**

### **Basic Scope:**

- Patch and repaint all walls throughout
- Replace carpet tile with new
- Replace vinyl floor tile with new
- Replace ceiling tile with new – grid to remain
- Replace light fixtures with new LED type to improve energy efficiency
- Clean up and refinish doors

### **Miscellaneous Repairs:**

- Replace Restroom plumbing hardware and accessories
- Replace broken door hardware with new
- Drywall repairs where walls are damaged

10



## **Former Library / Welcome Center: Existing Conditions**

- The overall basic finishes need to be replaced, since most of the finishes are approximately 10 to 20 years old.
  - Light fixtures replaced throughout for energy efficiency.
  - Carpet Tiles are well worn and missing needs to be replaced.
  - The vinyl tile is worn, separating, cracked and shows wear.
  - The bathroom plumbing hardware needs replacement.
  - Ceiling tiles are sagging and shows wear due to age.
  - Door lock sets are worn and needs replacement, door closures are broken and needs replacing.
  - Walls need repainting throughout.
- A basic refresh of the building as it is currently configured can be made to work, however, the building needs a total refresh on the interior of the building. The proposed furnishing, fixtures and equipment (FF&E) was reduced to bare minimum in order to scale down the projected cost since FF&E was not included in the original budget.

11

## **Former Library – Tile Flooring:**



12

**Former Library – Ceilings/Lighting:**



13

**Former Library – Carpet / Walls:**



14

### **Former Library – Refurbishing Cost:**

Refurbishing Material / Labor cost: \$ 77,840.00

- Paint / wall repairs
- Carpet Tile
- Vinyl Flooring
- Rubber Base
- Ceiling tile
- Door Hardware
- Plumbing Hardware
- Miscellaneous Repairs

FF&E: \$ 51,037.00

Contingency (A/V-Security): \$ 50,000.00

Total Refurbishing and FF&E \$178,877.00

15

### **Former Library:**

Original approved HOT fund budget

\$475,000

A/E Services and Construction Administration Agreement

\$ 60,000

Design

\$ 21,000

Design Documents

\$ 24,000

Expenses to-date

\$ 26.32

Amended A/E Services (HVAC replacement design/CO)

\$ 13,000

Construction Administration

\$ 15,000

Total A/E Services and expenditures

\$ 73,026.32

Total A/E Services expended to-date:

(\$ 58,026.32)

Remaining funds from the original HOT fund budget

\$416,973.68

16



### **Former Library:**

Remaining funds from the original approved HOT fund budget: \$416,973.68

Refurbishing finishes and FF&E of existing  
facility as configured: \$128,877

Contingency: \$ 50,000

Total refurbishing cost: \$178,877 (\$178,877.00)

Total remaining from the original approved HOT funds budget: \$238,096.68

17

### **Buda Welcome Center**

Staff seeks direction from Council regarding the proposed cost for the replacement of finishes, light fixtures, minor miscellaneous repairs and the purchase of FF&E.

Questions?

18



# City Council Agenda Item Report

Date: Tuesday, March 1, 2022

## Agenda Item No. 2022-88- #J.2

Contact: Blake Neffendorf

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**Subject: Update on the Alliance Regional Water Authority Phase 1B Construction Project and Financing (ARWA) (Public Works Assistant Director Blake Neffendorf and Graham Moore, PE, Executive Director, Alliance Regional Water Authority)**

---

**1. Executive Summary**

The City of Buda has a regional water supply contract with the Alliance Regional Water Authority (Alliance Water) that allows the Alliance Water to finance, construct, maintain, and operate a water supply project in a manner that will allow the Alliance Water to deliver water to sponsors on a regional basis. The Phase 1B funding includes project shares that were set by the water supply agreement, with Buda's share of the total project cost approved at 5.08%.

**2. Background/History**

The Alliance Water entered into a regional water supply contract with the City on January 15, 2008 to operate a water supply project and deliver water to the City of Buda and other sponsors. The City entered into the agreement with the City of Kyle and the City of San Marcos, through the Alliance Water, to reserve excess water in case we needed it, due to the growth of the City.

**3. Staff's review and analysis**

Not applicable.

**4. Financial Impact**

Project costs have increased and the need for an additional bond issuance in late 2022 will likely occur. City staff is aware of this need and have been working with our Utility Rate Model consultant to account for the additional funds.

**5. Strategic Plan**

Balanced and Managed Growth; Exceptional City Services with a low Tax Rate

**6. Summary/Conclusion**

The Alliance Regional Water Authority Carrizo Project will provide the City of Buda with an additional source of water to accommodate future system growth and increase our water system resiliency.

**7. Pros and Cons**

N/A

**8. Alternatives**

N/A


**9. Recommendation**

Presentation Only

# ALLIANCE REGIONAL WATER AUTHORITY

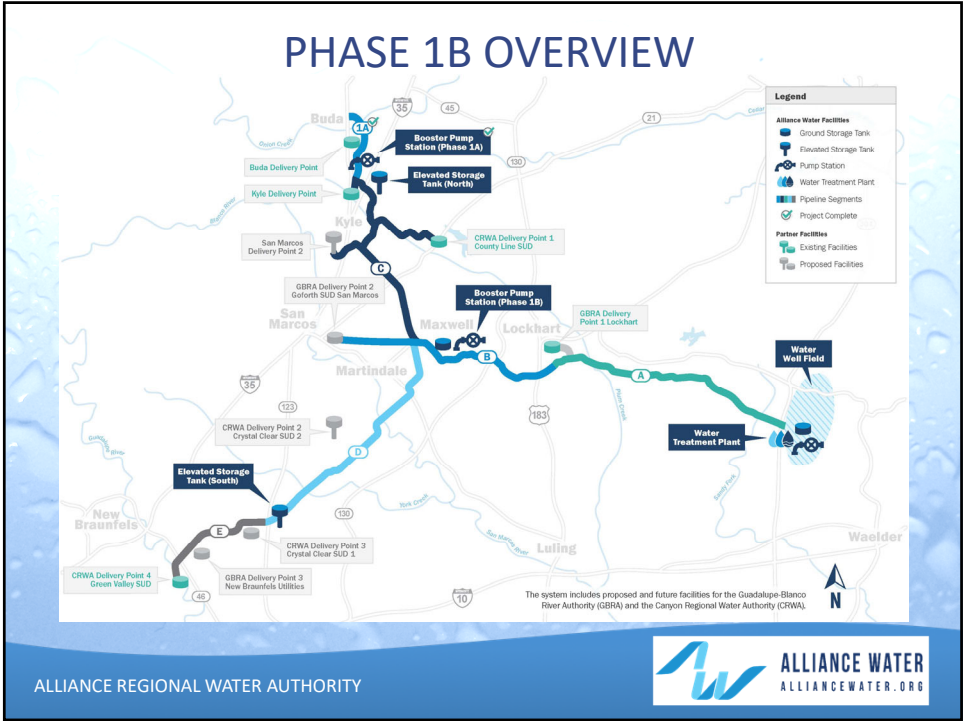
## 2022 PROJECT UPDATES

CITY OF BUDA  
CITY COUNCIL MEETING  
MARCH 1, 2022



ALLIANCE WATER

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## GBRA AGREEMENT

### GBRA's Customers

- New Braunfels
- Lockhart
- Goforth SUD

### Components with Shared Capacity:

- Water treatment plant
- Pipeline Segments A, B, D & Portion of E
- Maxwell Booster pump station

ALLIANCE REGIONAL WATER AUTHORITY



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## SCHEDULE

| PROJECT                  | PROJECT HIGHLIGHTS             | 60% DESIGN SUBMITTAL | 90% DESIGN SUBMITTAL | BIDDING STARTS | CONSTRUCTION START | CONSTRUCTION END |
|--------------------------|--------------------------------|----------------------|----------------------|----------------|--------------------|------------------|
| Well Drilling            | 4 Carrizo Wells                |                      |                      |                |                    |                  |
| Water Treatment Plant    | 20-MGD Plant                   |                      |                      |                |                    | Mid 2023         |
| Segment A                | 16.7 miles 48/42-inch          |                      |                      |                |                    | Mid 2023         |
| Segment B                | 16 miles of 42/30-inch         |                      |                      |                | Early 2022         | Mid 2023         |
| Booster Pump Station/DPs | Dual Station w/ 4-MG GST       |                      |                      |                |                    | Early 2023       |
| Segment D                | 19 miles of 42-inch            |                      |                      | Mid 2022       | Late 2022          | Early 2024       |
| Segment E                | 8.2 miles of 36-inch           |                      |                      | Mid 2022       | Late 2022          | Early 2024       |
| Segment C                | 22.9 miles of 42/30/24/16-inch |                      |                      | Mid 2022       | Late 2022          | Late 2024        |
| Elevated Storage Tanks   | 2 Tanks (1.5-MG & 1.0-MG)      |                      | Mid 2022             | Late 2022      | Late 2022          | Mid 2024         |

ALLIANCE REGIONAL WATER AUTHORITY



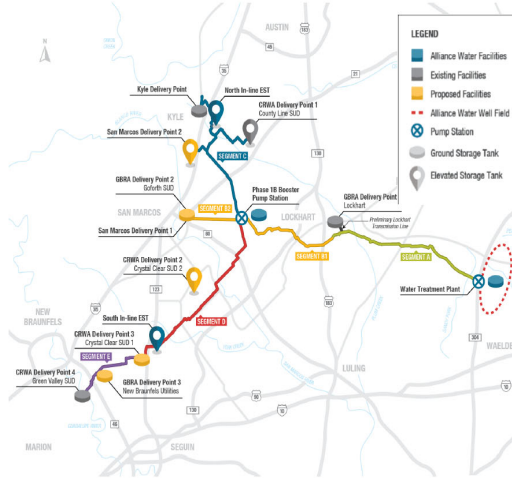
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## ONGOING PROGRESS

### ► Design Milestone Status

- Design Submittals
  - Segment E – 100% submittals anticipated in March
  - Segment C – 100% submittals anticipated in March
- TWDB Reviews
  - Segment A
    - Land Acquisition Release in Preparation
  - Segment B
    - Construction Approval Submittal Under Review
    - Final Design, Procurement Funding Release in Preparation
- Pipeline Segment B
  - NTP to Contractor: February 15<sup>th</sup>



ALLIANCE REGIONAL WATER AUTHORITY



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## ONGOING PROGRESS

Well drilling was substantially complete as of September 3, 2021



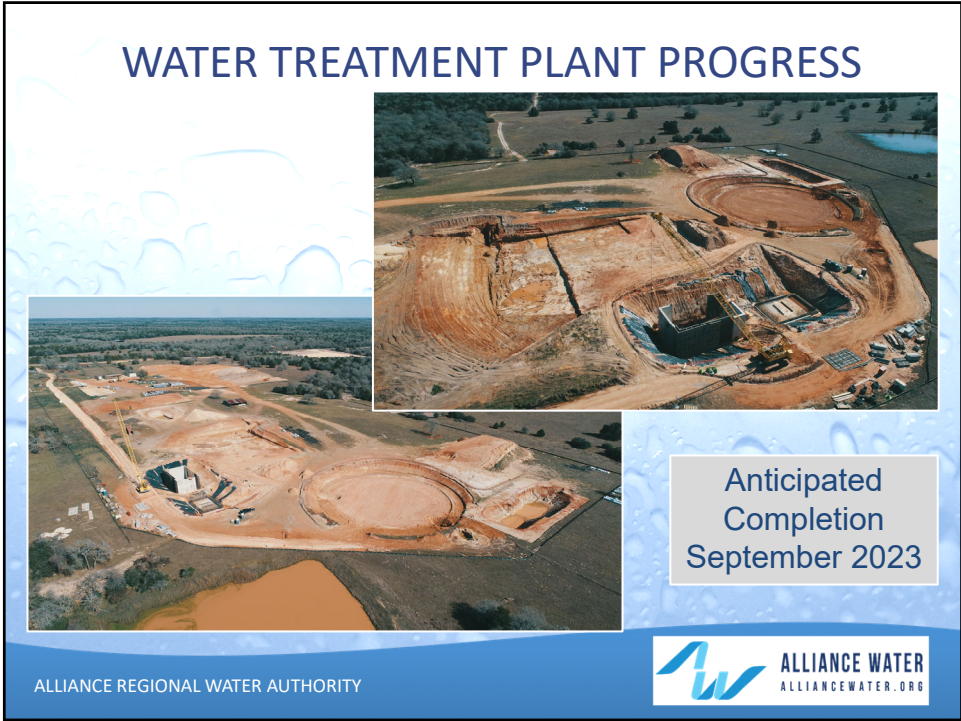
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8



## MAXWELL BOOSTER STATION PROGRESS



Anticipated  
Completion  
March 2023




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## EASEMENT ACQUISITION STATUS

| Pipeline Segment | Number of Parcels | STATUS                                   |                                       |                                     |  |                                   |  |  |
|------------------|-------------------|--|---------------------------------------|-------------------------------------|--|-----------------------------------|--|--|
|                  |                   | (A)<br>Appraisal/Offer<br>in Development | (B)<br>Negotiation<br>(Initial Offer) | (C)<br>Negotiation<br>(Final Offer) | (D)<br>= (A+B+C)<br>Appraisal /<br>Negotiation | (E)<br>Condemnation<br>in Process | (F)<br>= (D+E)<br>Possession Still<br>Needed | (G)<br>Purchase Agreement<br>Signed / Possession<br>Obtained |
| A                | 39                | 0  | 0                                     | 0                                   | 0  | 0                                 | 0  | 39   |
| B                | 51                | 0  | 0                                     | 0                                   | 0  | 2                                 | 2  | 49   |
| D                | 59                | 0  | 2                                     | 0                                   | 2  | 20                                | 22   | 37   |
| C                | 73                | 9  | 18                                    | 1                                   | 28   | 27                                | 55   | 18   |
| E                | 36                | 0  | 9                                     | 0                                   | 9  | 20                                | 29   | 7  |
| Well Field       | 16                | 0  | 10                                    | 0                                   | 10   | 0                                 | 10   | 6  |
| <b>Total</b>     | <b>274</b>        |  |                                       |                                     |  |                                   | <b>118</b>                                   | <b>156</b>   |



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## PROJECT CHALLENGES

- **Easement Acquisition**
  - Approximately 300 easements
  - Land prices are increasing at unprecedented rates
- **Construction Costs Escalating**
  - Steel prices are volatile
  - Supply chain is generally unpredictable
  - Severe skilled labor shortage

ALLIANCE REGIONAL WATER AUTHORITY



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## BUDGET UPDATE

### COST UPDATES BASED ON DECEMBER MILESTONE SUBMITTALS

|                      |   | ORIGINAL (FEB. 2019)      | REVISED                   |                               |
|----------------------|---|---------------------------|---------------------------|-------------------------------|
|                      | Construction Package                        | ARWA Total Projected Cost | ARWA Total Projected Cost | DIFFERENCE                    |
| Submittal (%)        | Combined Program Infrastructure             |                           |                           |                               |
| Const.               | Water Treatment Plant                       | \$ 25,200,000             | \$ 29,500,000             | \$ 4,300,000                  |
| Const.               | Booster Pump Station & GBRA Meter Stations  | \$ 12,100,000             | \$ 13,400,000             | \$ 1,300,000                  |
| 60                   | Inline EST (South)                          | \$ 3,600,000              | \$ 4,100,000              | \$ 500,000                    |
| Const.               | Pipeline Segment A                          | \$ 27,200,000             | \$ 28,600,000             | \$ 1,400,000                  |
| Const.               | Pipeline Segment B                          | \$ 27,100,000             | \$ 33,800,000             | \$ 6,700,000                  |
| 100                  | Pipeline Segment D                          | \$ 36,300,000             | \$ 43,700,000             | \$ 7,400,000                  |
| 90                   | Pipeline Segment E                          | \$ 9,500,000              | \$ 10,900,000             | \$ 1,400,000                  |
|                      | Subtotal                                    | \$141,000,000             | \$164,000,000             | \$ 23,000,000                 |
|                      | ARWA-Only Infrastructure                    |                           |                           |                               |
| Const.               | Well Drilling                               | \$ 3,800,000              | \$ 3,300,000              | (\$ 500,000)                  |
| Const.               | Raw Water Infrastructure                    | \$ 7,000,000              | \$ 10,600,000             | \$ 3,600,000                  |
| Const.               | ARWA Booster Pump Station & Delivery Points | \$ 7,700,000              | \$ 4,800,000              | (\$ 2,900,000)                |
| 30                   | Inline EST (North)                          | \$ 5,400,000              | \$ 6,500,000              | \$ 1,100,000                  |
| 90                   | Pipeline Segment C                          | \$ 64,500,000             | \$ 68,600,000             | \$ 4,100,000                  |
| 90                   | Pipeline Segment E (ARWA-Only)              | \$ 6,700,000              | \$ 12,600,000             | \$ 5,900,000                  |
| No Design            | Administration and Operations Building      | \$ 4,300,000              | \$ 4,200,000              | (\$ 100,000)                  |
|                      | Subtotal                                    | \$ 99,400,000             | \$110,600,000             | \$ 11,200,000                 |
|                      | Total                                       | \$240,400,000             | \$274,600,000             | \$34,200,000                  |
| FEBRUARY 2021 UPDATE |   |                           |                           | NO CHANGE FROM JANUARY UPDATE |

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## BUDGET IMPLICATIONS

### TWDB ISSUANCES-TO-DATE

|            | 2017       | 2019       | 2020       | Total       |
|------------|------------|------------|------------|-------------|
| ARWA Total | \$31.93 MM | \$85.88 MM | \$122.58MM | \$240.41 MM |
| BUDA Share | \$1.625 MM | \$4.37 MM  | \$6.225 MM | \$12.20 MM  |

### POSSIBLE 2022 ISSUANCE

|            | 2022       | TOTAL       |
|------------|------------|-------------|
| ARWA Total | \$46.83 MM | \$287.24 MM |
| BUDA Share | \$2.41 MM  | \$14.61 MM  |

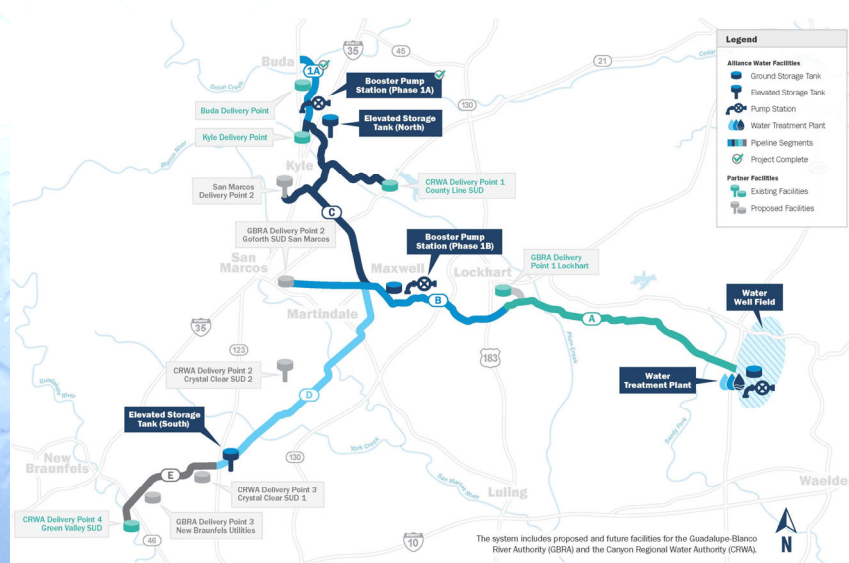
- The additional funding would be needed in November 2022.

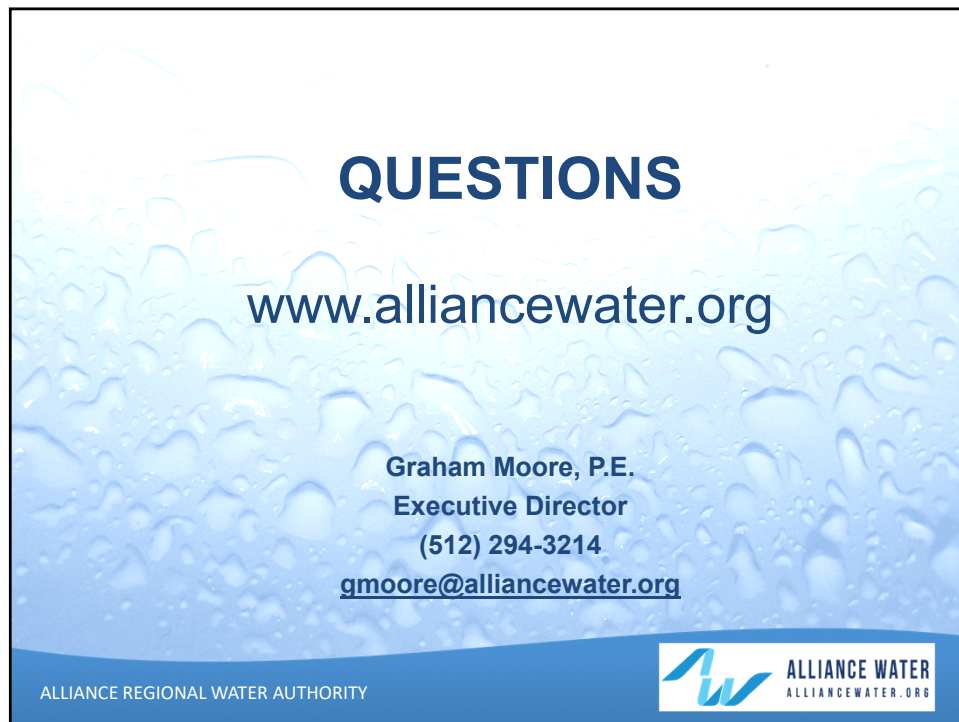
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## PHASE 1B OVERVIEW






# QUESTIONS

[www.alliancewater.org](http://www.alliancewater.org)

Graham Moore, P.E.  
Executive Director  
(512) 294-3214  
[gmoore@alliancewater.org](mailto:gmoore@alliancewater.org)

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## City Council Agenda Item Report

Date: Tuesday, March 1, 2022

### Agenda Item No. 2022-117- #J.3

Contact: Bianca Redmon

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**Subject: Deliberation and possible action to adopt a Resolution authorizing the publication of notice of intention to issue City of Buda, Texas Combination Tax and Limited Revenue Certificates of Obligation, Series 2022 for utility projects as approved in the Fiscal Year 2022 adopted budget, and other matters related thereto (Deputy City Manager Micah Grau and Director of Finance Bianca Redmon) [PUBLIC TESTIMONY]**

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#### 1. Executive Summary

Approval of this Resolution will set in motion the process to issue Certificates of Obligation for utility projects set out in the Fiscal Year 2022 budget. This action is not authorizing the Certificates of Obligation and locking in the interest rates. It is merely the first step in advertising the planned issuance to start the process.

#### 2. Background/History

The Fiscal Year 2022 Adopted Budget assumed that the City of Buda would issue approximately \$7.1 million in Certificates of Obligations (COs) to finance various capital projects of the City. COs are authorized under Section 271.041 of the Texas Local Government Code. The code allows a municipality to issue COs for the construction of public works projects including costs associated with purchasing materials, supplies, equipment, buildings, land, right-of-way, and professional services associated with a project.

CO bonds differ from a general obligation bond in that they may be issued, after proper notice, by the authority of the City Council whereas general obligation bonds require voter approval. CO bonds are typically used by cities for projects that will be paid back by user fees such as a water or wastewater project or when the issuance has a nominal impact on the city's interest and sinking portion of the tax rate.

The 2022 Certificates of Obligation issuance was discussed at the Water/Wastewater Steering Committee (W/WWSC) meeting held on January 25, 2022. At this meeting, staff presented the concerns on funding the RM 967 West Utility Relocation project with funds from the American Rescue Plan Act (ARPA) because the solicitation did not conform with the federal requirements 2 CFR

200. Because of these concerns, the W/WWSC agreed with the approach to swap the RM 967 West Utility Relocation Project with the Bradfield/Lifschutz Wastewater Interceptor Design project. The W/WWSC also discussed funding the CIP project Re-use Water Stagecoach Pond Pumps and Piping project as this project will expand the City's re-use system capacity.

Proposed 2022 Certificates of Obligation funded projects:

Old Black Colony Elevated Water Storage Tank (construction) - \$6,600,000  
RM 967 West Utilities (construction) - \$600,000  
Re-use Water Stagecoach Pond Pumps and Piping (design and construction) - \$460,000  
Bond issuance costs and contingency - \$590,000

---

Total 2022 CO Par Amount - \$8,250,000

### **3. Staff's review and analysis**

Staff has determined that the debt will need to be issued to fund the planned capital projects noted in the Background Section. These projects were budgeted and planned for in the adoption of the Fiscal Year 2021-22 Budget. The proceeds will be funded by user fees and not property taxes. 86% of the proceeds will support water capital projects while 7% will be wastewater. The maximum maturity date for the Certificates is August 15, 2042 for twenty-year bonds.

### **4. Financial Impact**

The proposed Certificate of Obligation totals \$8.25 million in proposed bond uses. The Resolution reflects a not-to-exceed of \$8,250,000 to include bond issuing costs. The proposed uses are:

Old Black Colony Elevated Water Storage Tank (construction) - \$6,600,000  
RM 967 West Utilities (construction) - \$600,000  
Re-use Water Stagecoach Pond Pumps and Piping (design and construction) - \$460,000  
Bond issuance costs and contingency - \$590,000

The costs associated with these projects were factored into the utility rates adopted with the FY22 Budget. The final interest rates and debt payment schedule will not be finalized until the bonds are competitively sold. The anticipated sale is to occur in May 2022. The City Council will be asked to consider an Ordinance on May 3, 2022, authorizing the sale, locking in the rates.

### **5. Strategic Plan**

Exceptional City Services with a Low Tax Rate

### **6. Summary/Conclusion**

Approval of this Resolution will set in motion the process to provide the notice of intention for the City Council to issue the proposed 2022 Certificate of Obligation. This action does not finalize the CO issuance. The City Council will be asked to consider an Ordinance at the May 3rd City Council meeting to finalize the proposed CO.

### **7. Pros and Cons**

Pros: Bonds allow a city to spread the cost of a capital asset over the life of an asset and to pay incrementally; it helps avoid sudden or large spikes in costs; allows a city to finance projects without drastically increasing the tax rate or utility rates in one year to raise the capital for a project.



Cons: debt can be viewed negatively by some.

**8. Alternatives**

The City Council may decide to take no action on this Resolution or to postpone the issuance of the proposed CO or modify the Resolution to change the intended uses and amount to issue.

**9. Recommendation**

Staff recommends Council's approval of the resolution directing the publication of notification of intent to issue debt.

**RESOLUTION NO. 2022-\_\_\_\_\_**

**RESOLUTION AUTHORIZING THE PUBLICATION OF NOTICE OF INTENTION TO  
ISSUE CITY OF BUDA, TEXAS COMBINATION TAX AND LIMITED REVENUE  
CERTIFICATES OF OBLIGATION, SERIES 2022 AND OTHER MATTERS RELATED  
THERE TO**

---

|                           |   |
|---------------------------|---|
| <b>THE STATE OF TEXAS</b> | ‘ |
| <b>COUNTY OF HAYS</b>     | ‘ |
| <b>CITY OF BUDA</b>       | ‘ |

**WHEREAS**, the City Council (the "Council") of the City of Buda, Texas (the "City") has determined that it is in the best interest of the City to proceed with the issuance of certificates of obligation ("Certificates") to implement certain projects; and

**WHEREAS**, the City Council of the City finds that the payment in whole or in part of contractual obligations incurred or to be incurred for the purposes set forth in Exhibit "A" attached hereto (the "Contractual Obligations") would be beneficial to the inhabitants of the City and are needed to perform essential City functions; and

**WHEREAS**, the Council has deemed it advisable to give notice of intention to issue the Certificates in a maximum principal amount not to exceed \$8,250,000 pursuant to the provisions of the Certificate of Obligation Act of 1971, Section 271.041 et seq., Local Government Code (the "Act") for the purpose of financing the Contractual Obligations; and

**WHEREAS**, prior to the issuance of the Certificates, the City is required under the Act to publish notice of its intention to issue the Certificates in a newspaper of general circulation in the City and continuously on the City's website, the notice stating: (i) the time and place tentatively set for the passage of the ordinance authorizing the issuance of the Certificates, (ii) the purpose of the Certificates, (iii) the manner in which the Certificates will be paid, (iv) the then-current principal of all outstanding debt obligations of the City; (v) the then-current combined principal and interest required to pay all outstanding debt obligations of the City on time and in full; (vi) the maximum principal amount of the Certificates; (vii) the estimated combined principal and interest required to pay the Certificates on time and in full; (viii) the estimated interest rate for the Certificates or that the maximum interest rate for the Certificates may not exceed the maximum legal interest rate; and (ix) the maximum maturity date of the Certificates; and

**WHEREAS**, the meeting at which this Resolution is adopted was open to the public and public notice of the time, place and purpose of the meeting was given, all as required by Chapter 551, Texas Government Code, as amended.

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

1. Attached hereto as Exhibit "A" is a form of the Notice of Intention to issue the Certificates, the form and substance of which is hereby adopted and approved.

2. Bond Counsel to the City shall cause the notice to be published in substantially the form attached hereto, in a newspaper (as defined by Subchapter C, Chapter 2051, Government Code) that is of general circulation in the City, for two consecutive weeks, the date of the first publication to be at least 46 days before the date tentatively set for passage of the ordinance authorizing the issuance of the Certificates.

3. The City Secretary shall cause the notice to be continuously published in substantially the form attached hereto on the City's website for at least 45 days before the date tentatively set for the passage of the ordinance authorizing the issuance of the Certificates.

4. The City's Deputy City Manager and Finance Director along with the City's financial advisor and bond counsel are authorized to proceed with preparing any necessary bond and offering documents to effectuate the sale of the Certificates, including making application to appropriate rating agencies and bond insurers, if applicable.

5. The City hereby authorizes the disbursement of a fee equal to the lesser of (i) one-tenth of one percent of the principal amount of each series of the Certificates being issued or (ii) \$9,500 per series, provided that such fee shall not be less than \$750, to the Attorney General of Texas Public Finance Division for payment of the examination fee charged by the State of Texas for the Attorney General's review and approval of public securities and credit agreements, as required by Section 1202.004 of the Texas Government Code. The appropriate member of the City's staff is hereby instructed to take the necessary measures to make this payment. The City is also authorized to reimburse the appropriate City funds for such payment from proceeds of the Certificates.

6. This Resolution shall become effective immediately upon adoption. The Mayor and City Clerk are hereby authorized and directed to execute the certificate to which this Resolution is attached on behalf of the City, and the Mayor, City Clerk, City Manager and Finance Director are further authorized to do any and all things proper and necessary to carry out the intent of this Resolution.

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**RESOLVED** this 1st day of March, 2022.

ATTEST:

**CITY OF BUDA, TEXAS**

---

City Clerk  
City of Buda, Texas

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Mayor  
City of Buda, Texas

## **EXHIBIT A**

### **NOTICE OF INTENTION TO ISSUE CITY OF BUDA, TEXAS COMBINATION TAX AND LIMITED REVENUE CERTIFICATES OF OBLIGATION, SERIES 2022**

**NOTICE IS HEREBY GIVEN** that it is the intention of the City Council of the City of Buda, Texas, to issue interest bearing Certificates of Obligation of the City (the "Certificates") for the purpose of paying contractual obligations incurred or to be incurred by the City for: (1) constructing, improving and/or extending the City's waterworks and sewer system, including Old Black Colony elevated water storage tank, RM 967 West water and wastewater utilities relocation, and re-use water Stagecoach Pond pumps and piping, including the acquisition of any necessary easements or land; and (2) professional services including fiscal, engineering, architectural and legal fees and other such costs incurred in connection therewith including the costs of issuing the Certificates. The City Council tentatively proposes to consider for first and final reading at a meeting to commence at 6:00 p.m., on May 3, 2022 at Council Chambers located at 405 Loop Street, Building 100, Buda, Texas, 78610, the passage of an ordinance authorizing the Certificates. The maximum amount of the Certificates that may be authorized for such purpose is \$8,250,000. The City Council presently proposes to provide for the payment of the Certificates from the levy of ad valorem taxes and from a limited pledge of the surplus revenues derived from the operation of the City's combined waterworks and sewer system, after payment of all operation and maintenance expenses and all debt service, reserve and other requirements in connection with all of the City's revenue bonds or other obligations (now or hereafter outstanding) which are payable from all or any part of the revenues of the City's combined waterworks and sewer system, which amount shall not exceed \$1,000.

Due to the ongoing public health concerns regarding the COVID 19 virus, and as may be authorized by Executive Order of the Governor of Texas, such meeting regarding the Certificates to be held on May 3, 2022 may be conducted via a free public video conference or other lawful electronic means. In such event, information regarding how to access the meeting and public participation in the meeting will be available on the City's website and in the agenda posted no less than 72 hours before the meeting at the following internet address: <https://ci.buda.tx.us/>

The following information is required pursuant to Texas Local Government Code, Section 271.049: As of March 1, 2022, the aggregate principal amount of all outstanding debt obligations of the City secured by and payable from ad valorem taxes is \$101,170,000. As of March 1, 2022, the combined principal and interest required to pay all outstanding debt obligations of the City secured by and payable from ad valorem taxes on time and in full is \$137,342,777.26. Such amounts also include debt service on debt that the City currently intends to pay from sources other than ad valorem taxes but that could be paid from ad valorem taxes if such other sources are not available at the time required for payment. The estimated combined principal and interest required to pay the Certificates on time and in full is \$11,154,862.50. The estimated interest rate for the Certificates is 3.0%. Such estimates take into account a number of factors, including the issuance schedule, maturity schedule and the expected ratings of the proposed Certificates. Such estimated

interest rate is provided as a matter of information but is not a limitation on the interest rate at which the Certificates may be sold. The maximum maturity date of the Certificates is August 15, 2042.

**CITY OF BUDA, TEXAS**

## 2022 CO USES

**\$8,250,000**

City of Buda, TX

### Uses

Old Black Colony Elevated Water Storage Tank

~~Bradfield/Lifschutz Wastewater Interceptor Design~~ / RM 967 West Utilities

Re-use Water Stagecoach Pond Pumps and Piping

Bond Issuance Costs + Contingency (5%)

\$6,600,000

\$600,000

\$460,000

\$590,000

### Deposit

Water Capital

Wastewater Fund

Water Capital

### Payment Source

Utility I&S

Utility I&S

Utility I&S

### Percentage of Total

80%

7%

6%

### TOTAL

\$8,250,000

# PROPOSED 2022 CERTIFICATES OF OBLIGATION USES

## 2022 CO USES

**\$8,250,000**

City of Buda, TX

### Uses

Old Black Colony Elevated Water Storage Tank  
~~Bradfield/Lifschutz Wastewater Interceptor Design~~ / RM 967 West Utilities  
 Re-use Water Stagecoach Pond Pumps and Piping  
 Bond Issuance Costs + Contingency (5%)

| Deposit         | Payment Source | Percentage of Total |
|-----------------|----------------|---------------------|
| Water Capital   | Utility I&S    | 80%                 |
| Wastewater Fund | Utility I&S    | 7%                  |
| Water Capital   | Utility I&S    | 6%                  |
| <b>TOTAL</b>    |                | <b>\$8,250,000</b>  |



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# PROPOSED 2022 CERTIFICATES OF OBLIGATION USES


City of Buda, Texas  
Capital Improvement Program - Water

**Old Black Colony Water Storage Facilities**

Responsible Department: Public Works CIP No. WW1

| Financial Plan | Prior Years | 22 | 23        | 24 | 25 | 26 | Future | Total     |
|----------------|-------------|----|-----------|----|----|----|--------|-----------|
|                | 1,050,000   |    | 6,000,000 |    |    |    |        | 7,050,000 |

**Description:**  
 City would need to acquire approximately 1 acre of land for this project. Utility improvements are necessary to keep up with demand and pressure for a growing system at the entry point for Alliance Regional Water Authority water into our system. Construction of the following items are included: 1.25 Million Gallon Elevated Storage Tank to help relieve demand off Beacon Hill Tower, install 12" water line along FM 1026 to Elm Grove Elementary School to create redundancy and improve distribution system operations, and upsize to 16" approximately 200 linear feet of water line to Whispering Hollow Subdivision.



| Estimated Project Cost: | Project Task           | Duration |
|-------------------------|------------------------|----------|
| Design/Engineering      | Planning/Design        | 12       |
| ROW Acquisition         | Right-of-way/Utilities | 6        |
| Construction            | Construction           | 9        |
| Other                   |                        | 27       |
| <b>Total</b>            |                        |          |

| Funding Source: | Operating Operational Impact: |
|-----------------|-------------------------------|
| Operating Fund  | Personnel                     |
| Debt            | Supplies & Materials          |
| Grants/Other    | Repair & Maint.               |
| <b>Total</b>    | Capital & Other               |

**Notes:**  
 Project & Nichols was hired in FY 21 to begin design of the water side. A hydraulic study confirmed that a 1.25 million gallon elevated tank is needed. The City continues to work with property owners on the property acquisition. This project is needed to be into the Alliance Regional Water Authority project to deliver water to Buda at this location. Combines the following projects identified in 2017 Impact Fee Report: Projects 1 & 4.



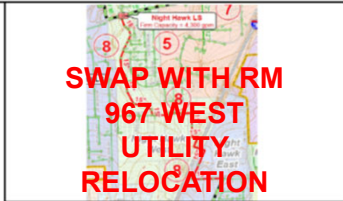
City of Buda, Texas  
Capital Improvement Program - Wastewater

**Bradfield/Lifschutz 12"15"18" Gravity Interceptor Expansion**

Responsible Department: Public Works CIP No. WW1

| Financial Plan | Prior Years | 22      | 23        | 24 | 25 | 26 | Future | Total     |
|----------------|-------------|---------|-----------|----|----|----|--------|-----------|
|                | -           | 450,000 | 2,600,000 | -  | -  | -  | -      | 3,050,000 |

**Description:**  
 This project identified as WW Project 6 in the adopted Water & Wastewater Impact Fee Report dated September 2017 would replace undersized existing assets and provide wastewater collection system capacity to serve future growth. The project will replace the existing gravity mains with a new 15-inch diameter gravity interceptor from Glenview Lane to Roseberry Street, and a new 18-inch diameter gravity interceptor from Roseberry Street to the new Night Hawk LRT Station.



| Estimated Project Cost: | Project Task           | Duration |
|-------------------------|------------------------|----------|
| Design/Engineering      | Planning/Design        | 9        |
| ROW Acquisition         | Right-of-way/Utilities | -        |
| Construction            | Construction           | 9        |
| Other                   |                        | 18       |
| <b>Total</b>            |                        |          |

| Funding Source: | Operating Operational Impact: |
|-----------------|-------------------------------|
| Operating Fund  | Personnel                     |
| Debt            | Supplies & Materials          |
| Impact Fees     | Repair & Maint.               |
| <b>Total</b>    | Capital & Other               |

**Notes:**  
 Wastewater modeling has indicated a potential for overflows during peak wet weather events. Upsizing this segment of line will reduce the possibility for overflows, and also allow for more capacity to serve this growing area of the City.

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## PROPOSED 2022 CERTIFICATES OF OBLIGATION USES

City of Buda, Texas  
Capital Improvement Program - Reclaimed Water

**BudaTx** breathe easy here.™  
402/7075

**Reuse Water - Stagecoach Pond Pumps and Piping**

Responsible Department: Engineering CIP No.: RW02

Financial Plan:

| Year | 22      | 23 | Projected | 24 | 25 | 26 | Future | Total   |
|------|---------|----|-----------|----|----|----|--------|---------|
| Cost | 400,000 | -  | -         | -  | -  | -  | -      | 400,000 |

Description:  
Design and construct 1,020 linear feet of reuse waterline and convert the existing Stagecoach Pond for reuse water storage and add a pump station. This will increase the capacity of the reuse water system and allow the service to be expanded.



| Estimated Project Costs   | Project Task           | Duration |
|---------------------------|------------------------|----------|
| Design/Engineering 50,000 | Planning/Design        | 9        |
| ROW Acquisition -         | Right-of-way/Utilities | -        |
| Construction 320,000      | Construction           | 9        |
| Other 80,000              |                        | 15       |
| <b>Total 450,000</b>      |                        |          |

| Funding Source:      | Ongoing Operational Impact: |
|----------------------|-----------------------------|
| Operating Fund -     | Personnel -                 |
| Debt -               | Supplies & Materials -      |
| Grants/Other 400,000 | Repair & Maint. 1,000       |
| <b>Total 400,000</b> | Capital & Other -           |
|                      | <b>Total 1,000</b>          |

Notes:  
Project will use the remaining balance of the Purple Pipe Fund with the remaining to be funded through the Water Utility Fund balance. American Rescue Plan Act funds may also be considered for funding this project.

**BudaTx** breathe easy here.™

3

## TIMELINE

- March 1 – Authorize Resolution to advertise notice of intent to issue
- May 3 – Consideration of Ordinance approving the CO sale

4



# City Council Agenda Item Report

Date: Tuesday, March 1, 2022

## Agenda Item No. 2022-118- #J.4

Contact: Bianca Redmon

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**Subject:** Deliberation and possible action to adopt a Resolution expressing the City of Buda's official intent to reimburse itself from the proceeds of certificates of obligations in an aggregate maximum principle amount of \$8,250,000 for expenditures related to the constructing, improving and/or extending the City's waterworks and sewer system, including RM 967 West utility relocation project, including the acquisition of any necessary easements or land (Bianca Redmon, Director of Finance, Richard Donoghue, Bond Counsel, Jennifer Ritter, Financial Advisor) [PUBLIC TESTIMONY]

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### 1. Executive Summary

This item is to approve a reimbursement resolution for expenditures related to RM 967 West utility relocation project. This project is currently underway. Adopting a reimbursement resolution allows an issuer to reimburse itself for certain expenditures from the proceeds of a future debt issuance. For expenditures prior to the date of adoption of the reimbursement resolution, an issuer can reimburse itself for expenditures that were actually paid up to 60-days before the date of the resolution was adopted. After the resolution is adopted, subsequent expenditures can also be reimbursed from the future debt issue. The deadline to issue the debt is 18-months after the later of (i) the date the project is placed in service or (ii) the date the expenditure is actually paid. In no circumstances can reimbursements be made more than 3 years after an expenditure is made.

### 2. Background/History

City Council authorized City Manager to execute a contract with QRO-Mex Construction Company, Inc. for the RM 967 West Water Utility Relocation project on October 12, 2021. This project was to be funded using \$520,000 from the American Rescue Plan Act. Any project that uses more than \$250,000 in federal money has additional requirements per 2 CFR 200 (code of federal regulation procurement requirements) to be included in the bid sheet (on top of all the other federal certifications that are required in the bid package/contract). Upon further review of the bid package and contract, it was identified that not all 2 CFR 200 requirements were met.

During the Water/Wastewater Steering Committee (W/WWSC) meeting held on January 25th, staff presented the concerns stated above and recommended swapping one of the projects proposed for funding through the proposed 2022 Certificates of Obligation with the RM 967 West Water Utility

Relocation project that was to be funded through ARPA. The W/WWSC agreed with this approach.

**3. Staff's review and analysis**

In efforts to ensure federal funding availability, staff met to consider other funding sources for the RM 967 West Water Utility Relocation project. It was determined to consider swapping this project with the Bradfield/Lifschutz Wastewater Interceptor Design project for \$450,000 that was initially intended to be apart of the Certificate of Obligation Bonds, Series 2022. The City's Bond Counsel and Financial Advisors confirmed and saw no issues with the idea and recommended a reimbursement resolution for the RM 967 West Water Utility Relocation project.

**4. Financial Impact**

The RM 967 West Water Utility Relocation project will be funded by CO Bonds, Series 2022 via a reimbursement resolution (not to exceed \$600,000) upon council approval. The Bradfield/Lifschutz Wastewater Interceptor Design project will now be funded by ARPA funds (estimated \$450,000). This allows the city the opportunity to include proper 2 CFR 200 requirements in the bid/contract documents once this design project is solicited.

**5. Strategic Plan**

Exceptional City Services with a Low Tax Rate

**6. Summary/Conclusion**

Adopting the reimbursement resolution for expenditures related to the RM 967 project allows the city to swap this project with a project that has not yet begun in order to ensure proper federal procurement requirements are met as it relates to federal funding sources.

The RM 967 project is currently underway and will be complete this fiscal year. The city has not received the first invoice and therefore has not yet made its' first payment to the construction company.

**7. Pros and Cons**

Pro: Adopting the reimbursement resolution for expenditures related to the RM 967 project allows the city to swap this project with a project that has not yet begun in order to ensure proper federal procurement requirements are met as it relates to federal funding sources.

Con: There is no con to the recommended action.

**8. Alternatives**

If the city utilizes the funding source as it is currently appropriated, the city is at risk of paying back the federal government the grant dollars used in connection with the RM 967 project if a federal audit were to occur.

**9. Recommendation**

Staff recommends the approval of the reimbursement resolution.

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION EXPRESSING OFFICIAL INTENT TO REIMBURSE  
CERTAIN EXPENDITURES**

**WHEREAS**, the City Council of the City of Buda, Texas (the "Issuer") expects to pay expenditures in connection with the project described on Exhibit A attached hereto (the "Project") prior to the issuance of obligations to finance the Project; and

**WHEREAS**, the Issuer finds, considers and declares that the reimbursement of the Issuer for the payment of such expenditures will be appropriate and consistent with the lawful objectives of the Issuer and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the Treasury Regulations, to reimburse itself for such payments at such time as it issues obligations to finance the Project.

**THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BUDA, TEXAS:**

Section 1. The Issuer reasonably expects to incur debt, as one or more separate series of various types of obligations, with an aggregate maximum principal amount not to exceed \$600,000 for the purpose of paying the costs of the Project.

Section 2. All costs to be reimbursed pursuant hereto will be capital expenditures. No tax-exempt obligations will be issued by the Issuer in furtherance of this Resolution after a date which is later than 18 months after the later of (1) the date the expenditures are paid or (2) the date on which the property, with respect to which such expenditures were made, is placed in service.

Section 3. The foregoing notwithstanding, no tax-exempt obligation will be issued pursuant to this Resolution more than three years after the date any expenditure which is to be reimbursed is paid.

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**PASSED AND APPROVED THIS March 1, 2022.**

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Mayor, City of Buda

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City Clerk, City of Buda

## **EXHIBIT A**

Constructing, improving and/or extending the City's waterworks and sewer system, including RM 967 West utility relocation project, including the acquisition of any necessary easements or land.



# City Council Agenda Item Report

Date: Tuesday, March 1, 2022

## Agenda Item No. 2022-135- #L.1

Contact: Vicki Fuchs

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**Subject: Deliberation and possible action to authorize the Employment Agreement appointing Micah Grau as Interim City Manager beginning April 1, 2022 (Human Resources Director Vicki Fuchs) [PUBLIC TESTIMONY]**

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**1. Executive Summary**

Approval of the Employment Agreement for appointing Micah Grau as Interim City Manager beginning April 1st, 2022.

**2. Background/History**

Council appointed Micah Grau, currently Deputy City Manager, to fill in as Interim City Manager beginning on April 1, 2022. Kenneth Williams, City Manager retires on March 31, 2022.

**3. Staff's review and analysis**

Approve Employment Agreement.

**4. Financial Impact**

To fill the position of Interim City Manager, the City will be increasing Micah Grau's base salary by 10%. In addition, allowing Grau to carry over up to 260 hours of vacation time into the next fiscal year. The City's policy currently allows for 160 hours to be carried over into the new fiscal year.

**5. Strategic Plan**

Not on the Strategic Plan.

**6. Summary/Conclusion**

Approve the Employment Agreement for appointing Micah Grau as Interim City Manager beginning April 1st, 2022.

**7. Pros and Cons**

**8. Alternatives**

**9. Recommendation**

Approval of the Employment Agreement for appointing Micah Grau as Interim City Manager beginning April 1st, 2022.





**PENDING/FUTURE ITEM REQUEST**

|    | A            | B              | C  |
|----|--------------|----------------|--|
| 1  | MEETING DATE | COUNCIL MEMBER | REQUESTED ITEM   |
| 2  |              |                |  |
| 3  |              |                |  |
| 4  |              | Staff          | Buda Birthday Update   |
| 5  | 2/16/2022    | Cummings       | Presentation regarding increasing residential homestead exemption; future program for Buda, including impact on property taxes, and revenues at different levels |
| 6  | 2/1/2022     | Ture           | PIDS/TIRZ presentation with comparisons to MUDS  |
| 7  | 2/1/2022     | Urbanovsky     | WS to identify B2 and B3 zones; undeveloped parcels; revitalization  |
| 8  | 2/1/2022     | Urbanovsky     | Invite Dr. Wright regarding HCISD  |
| 9  | 2/1/2022     | Urbanovsky     | Invite new County Commissioner Walt Smith and Commissioner Mark Jones to present a Commissioner Report   |
| 10 |              | Staff          | Court/Utility Collection Service program update  |
| 11 |              | Staff          | Welcome Center Remodel Update  |
| 12 | 1/18/2022    | None           |  |
| 13 | 1/4/2022     | LVH            | Juneteenth Event   |
| 14 | 11/16/2021   | Urbanovsky     | Redistricting process and impacts of the census  |
| 15 | 11/10/2021   | Staff          | FY 2021 Annual Financial Report  |
| 16 | 4/7/2020     | Ture           | lessons learned from COVID-19  |
| 17 |              | Williams/staff | Strategic Plan Updates   |
| 18 |              | T.Anderson     | BEDC Quarterly Updates   |