AMENDED
NOVEMBER 11, 2010

ORDINANCE #2010-1111

AN ORDINANCE AMENDING CHAPTER 10-ARTICLE IV, SECTION 10-247 -SIGNS AND IDENTIFICATION REGULATIONS OF THE PLANNING AND ZONING ORDINANCE OF THE CITY OF BULLARD PROHIBITING ANY NEW BILLBOARDS INCLUDING CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS FROM BEING PLACED IN THE CITY OF BULLARD AND ITS EXTRATERRITORIAL JURISDICTION AFTER THE EFFECTIVE DATE OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR A PENALTY

WHEREAS, the City Council of the City of Bullard has determined that in order to preserve and promote the public health, safety, and welfare of the citizens of the City, and to maintain and enhance the visual environment, and to preserve the right of citizens to enjoy the city's aesthetic beauty; to improve pedestrian and traffic safety and to minimize the possible adverse effect of billboards on nearby public and private property, and

WHEREAS, City Council finds that outdoor advertising signs tend to interrupt what would otherwise be the natural landscape as seen from the highway, whether the view is untouched or ravished by man, and that it would be unreasonable and illogical to conclude that an area is too unattractive to justify aesthetic improvement; and

WHEREAS, the City Council has determined that outdoor advertising signs, including changeable electronic variable message signs, pose a distraction to drivers, bikers and pedestrians from the roadway; and

WHEREAS, the City Council has determined that in order to preserve and enhance the City as a desirable community in which to live and do business, a pleasing, visually attractive environment is of foremost importance; and these regulations are a highly contributive means by which to achieve this desired end and have been prepared with the intent of enhancing the visual environment of the City and promoting safety and continued well-being; and

WHEREAS, the City Council has determined that these regulations maintain and enhance the aesthetic environment, improve pedestrian and traffic safety, lessen unnecessary visual clutter that competes for the attention of pedestrian and vehicular traffic, regulates signs in a manner so as to not

interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians, conserve, protect, and enhance the aesthetic quality of the City, protect property values by precluding sign-types that create a nuisance to the occupancy or use of other properties; and

WHEREAS, the City Council has determined that off-premise signs, commonly known as billboards, are inconsistent with the above-stated goals; and

WHEREAS, the City Council has determined that changeable electronic variable message signs (CEVMS), as defined herein, are inconsistent with the above-stated goals; and

WHEREAS, the City Council finds that TEX. LOC. GOV'T. CODE § 216.902 provides for the application of its outdoor advertising sign regulations to extend into the extraterritorial jurisdiction (ETJ) of the city; and

WHEREAS, the City Council adopts the following definitions in the interpretation of this Ordinance:

Changeable electronic variable message sign (CEVMS) shall mean a sign which permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and which varies in intensity or color. A CEVMS sign does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the National Standard.

Off-premise sign shall mean any sign, commonly known as a billboard, that advertises a business, person, activity, goods, products or services not located on the premises where the sign is installed and maintained, or that directs persons to a location other than the premises where the sign is installed and maintained.

On-premise sign shall mean any sign identifying or advertising the business, person, activity, goods, products or services sold or offered for sale on the premises where the sign is installed and maintained when such premises is used for business purposes.

Sign Code Application Area shall mean the corporate limits of the city and the area of its extraterritorial jurisdiction as defined by TEX. LOC. GOV'T. CODE § 42.021.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BULLARD THAT:

SECTION 1. The recitals set forth above are found to be true and correct, and they are hereby adopted by the City Council and made a part of this ordinance for all purposes.

SECTION 2. CHAPTER 10-ARTICLE IV, SECTION 10-247 i.of the Planning and Zoning Ordinance of the City of Bullard shall be amended as follows:

i. From and after the effective date of this Ordinance, no new off premise signs as defined in this Ordinance shall be allowed within the Sign Code Application Area and no construction permit shall be issued for the erection of an off-premise sign, including but not limited to a new off-premise CEVMS and the conversion of an existing non-CEVMS off-premise sign to a CEVMS, within the Sign Code Application Area.

i. 1.. From and after the effective date of this Ordinance, no new CEVMS shall be allowed within the Sign Code Application Area.

SECTION 3. All off-premise signs including CEVMS within the Sign Code Application Area which includes the City's extraterritorial jurisdiction that are in place as of the effective date of this Ordinance shall adhere to the requirements set out in *CHAPTER 10-ARTICLE IV, SECTION 10-247* i., which law is continued and shall remain in full force and effect for that purpose..

SECTION 4. Any person or entity who violates the provisions of this ordinance shall upon conviction for such violation, be punished in accordance with the general penalty ordinance of the City of Bullard, Ordinance No. 2010-0608-1. Each day a violation occurs constitutes a separate offense.

SECTION 5. Severability: If any section or provision of this ordinance or the application of this ordinance to any person, entity or circumstance is held to be invalid or unenforceable by a court of competent jurisdiction, then the judgment of the court shall not affect the remaining portions of this ordinance which are not in conflict with the invalidated or unenforceable section or provision.

SECTION 6. This ordinance becomes effective on the first Monday after the conclusion of public hearings and publication as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BULLARD ON THIS THE 11th DAY OF November 2010.

Teresa A. Wilks

Teresa Adams-Wilks, Mayor

ATTEST:

Doris Crockett

Doris Crockett, City Secretary

APPROVED AS TO FORM:

Charles G. Morton, Jr., City Attorney

AMENDED
APRIL 8, 2008

SUPPORT THE NEW ELEMENTARY SCHOOL AND OTHER FACILITIES; AND WHEREAS, PAM HAS SET A STERLING EXAMPLE OF LEADERSHIP AND SERVICE OF WHICH ALL MAY ASPIRE, IT IS A PLEASURE TO RECOGNIZE HER FOR EXAMPLARTY CONTRIBUTIONS TO BULLARD: THEREFORE, LET IT BE RESOLVED THAT PAM FREDERICK BE CONGRATULATED ON BEING NAMED THE 2007 WOMAN OF THE YEAR BY THE BULLARD CHAMBER OF COMMERCE; AND THAT SHE BE EXTENDED SINCERE BEST WISHES FOR HER CONTINUED SUCCESS. (SIGNED CHUCK HOPSON, DISTRICT 11 STATE REPRESENTATIVE

ITEM 4 – PUBLIC HEARING – PLANNING AND ZONING ORDINANCE AMENDED – LETTER OF CREDIT/PERFORMANCE BOND

Mayor Hines declared the public hearing open to consider the Planning and Zoning Ordinance regarding letter of credit/performance bond requirements, as tabled on February 25, 2008.

Mr. Glenn Patrick, Attorney, was present stating that he was asked to review and draft a recommendation for proposed changes to the Planning and Zoning Ordinance regarding requiring a letter of credit/performance bond by developers both inside the City limits and in the ETJ. He stated that what he proposed dealt with both the performance (guaranteeing improvements are actually built) and the maintenance bonds for improvements, and clearly defining when the maintenance of improvements become the responsibility of the City.

City Engineer Capps stated that the problem is that developers do not want to spend money on a bond and they do not want to take a gamble for preliminary platting of property and building roads and coming in to do a final plat later with a possibility of Council denying their plat. He asked if there was a way the City can approve a final plat contingent upon construction of the roadways and acceptance by the City Engineer.

Mr. Patrick stated that a subdivision plat is finally approved when it has been approved by the City Council and signed. He stated that the Council has a responsibility to act on plats within a time period required by State law.

Mr. Tom Roper stated the he had a development in the ETJ and he thought the options of protecting the City were two-fold, 1) either have the improvements put in and 2) have the performance bond. He stated that the issue he has personally, is when is the final plat approved? If he goes through and has preliminary plat approval and then final plat comes to Council and is approved if the final plat could be held for signatures until after improvements are completed, the developer might chose not to do the performance bond. If the final plat could have some way of going to the City Council and move from a political realm into an administrative realm so that the only thing he would have to do is prove is that it is done and then have the plat signed and filed.

City Manager Morgan stated that TML gave an opinion that final plats could not be approved and held without signature until some requirement is met. Once the plat is approved by Council it is approved.

Mayor Hines declared the public hearing closed.

On motion by Councilmember Thompson, seconded by Councilmember Bradley and carried unanimously, the Planning and Zoning Ordinance was amended as recommended. (Attach Recommendations)

ITEM 5 – PRELIMINARY PLAT – COLEMAN PLACE – JEROLD R. KESINGER

The Council considered a Preliminary Plat of a 7.466 acre tract in the Coleman Place (an unrecorded Subdivision) in William Steele Survey, A-20 (Lilly Lane) into Lots 1 and 2, (Jerold R. Kesinger).

The Planning and Zoning Commission on March 20, 2008, approved the Preliminary Plat.

On motion by Councilmember Johnson, seconded by Councilmember Adams-Wilks and carried unanimously, the Preliminary Plat was approved and the Council instructed t prior to when the Final Plat is considered that it be a legally recorded subdivision.

On motion by Councilmember Frederick, seconded by Councilmember Bradley and carried unanimously, the Council agreed to consider **Items 21 and 22** out of Agenda order.

ITEM 21 – STRAY ANIMALS

Dr. John Alexander was present regarding problems that cities encounter with stray animal population and requested that he, Police Chief Lewis and City Manager Morgan work on new Ordinance to plan ahead to combat the growing problem.

On motion by Councilmember Frederick, seconded by Councilmember Johnson and carried unanimously, request was granted for Dr. Alexander, Police Chief Lewis and City Manager Morgan to research the stray population within the City limits and make recommendations.

ITEM 22 – ARMED FORCES DAY – MAY 17, 2008

Dr. John Alexander, representing the Chamber, informed the Council of planned celebration of Armed Forces Day on May 17, 2008, to honor the members of our Armed Forces and Veterans. The event will start at 11:00 a.m. with a parade beginning at Brooksh Grocery parking lot and conclude at Panther Stadium and extended an invitation to the C Council.

The last sentence of existing Section 10-40, subsection d, 2 (a) (page32) is amended to delete the phrase "policies stated in Sections 10-45–10-46" and insert "requirements in Section 10-48" so that the last sentence reads:

Paving and other improvements are subject to the participation requirements in Section 10-48.

The first sentence of existing Section 10-40, subsection d, 4 (page35) is amended to delete the phrase "policies stated in Sections 10-45–10-46" and insert "requirements in Section 10-48" so that the first sentence reads:

The developer shall construct all streets or thoroughfares to City standards in rights of way as required by the Master Street Plan, subject to participation requirements in Section 10-48.

Existing Section 10-44, subsection a-d is unchanged. Existing Section 10-44, subsection e is deleted and replaced with:

Section 10-44 Construction and Inspection Procedures

e. Certificate of Completion--Upon completion of construction *of the public improvements and the removal of any temporary public improvements,* the developer shall certify in writing to the City Manager that construction of the public improvements is complete and provide the City Manager and City Engineer with as-built construction drawings of the public improvements.

f. Final Inspection by City Engineer--The City Engineer shall inspect the public improvements and file a report with the City Manager containing the results of the inspection. Any variance between the engineering construction plans approved for the Subdivision and the public improvements constructed shall be noted on the final inspection report by the City Engineer. The City Engineer shall recommend whether the public improvements should be accepted. The City shall not accept any proposed dedication of public improvements until the completed improvements have been inspected and a final report has been filed by the City Engineer. The developer shall be responsible for the reasonable cost of the final inspection performed by the City Engineer.

Existing Section 10-45 is deleted and replaced with:

Section 10-45 Completion of Public Improvements *and* Improvement Agreements

a. Completion of Public Improvements *as Condition to Issuing Building Permit–*

Except as otherwise provided in this Section, a building permit shall not be issued on any lot in a subdivision until all public improvements including streets, street lights and signs, side walks, curbs and gutters, and water, sewer and storm water drainage facilities have been completed and dedicated to the City, in accordance with the final plat, construction drawings as approved by the City and all Codes and regulations of the City pertaining to the Subdivision. Individual lots shall be graded and erosion devices shall be installed to prevent the erosion of soil onto the streets *and adjoining lots*.

b. Improvement Agreement and Security--

1. A developer may enter into an Improvement Agreement with the City. If the developer enters into an Improvement Agreement with the City that complies with this subsection, then the prohibition on the issuance of building permits under Subsection a of this Section shall not apply to the subdivision.

2. An Improvement Agreement is required if the City is to share in the cost of any public improvement for oversize streets, water, sewer or storm water drainage facilities.

3. An Improvement Agreement is required if temporary public improvements are necessary as determined by the City. The developer shall be responsible for the cost of constructing, maintaining and removing all temporary public improvements required by the City.

4. Except as otherwise provided in this Section, an Improvement Agreement shall--

(a) require the developer to complete all public improvements including streets, street lights and signs, side walks, curbs and gutters, and water, sewer and storm water drainage facilities within two years from the date the final plat is approved and signed by the City.

(b) identify all oversize public improvements and specify the amount to be reimbursed by the City to the developer.

(c) identify all temporary public improvements required by the City and specify when the temporary public improvements will be removed.

(d) be secured by cash placed in escrow, a performance and payment bond executed by a reputable and solvent corporate surety, holding a license to do business in the state, or an irrevocable letter of credit from a federally insured financial institution in favor of the

City, equal to the *projected* cost of constructing the public improvements for the Subdivision, including Streets, Street lights and signs, sidewalks, curbs and gutters, water, sewer, and storm water drainage facilities, to indemnify the City against any claims, costs or expenses to complete the construction work. If a letter of credit is provided then the letter of credit shall require only that the City present the issuer of the letter with a sight draft and a certificate signed by the City Manager or his designee certifying that the City has a right to draw funds under the letter of credit. *The developer shall provide engineering studies prepared by a licensed engineer on the cost of constructing the public improvements for the Subdivision, including Streets, Street lights and signs, sidewalks, curbs and gutters, and water, sewer, and storm water drainage facilities.*

5. An Improvement Agreement may include such other terms and conditions agreed to by the City and the developer which are not inconsistent with the requirements of this Section.

6. As portions of the public improvements are completed, a developer may make a written request to reduce the amount of the security. The written request shall be submitted to the City Manager and City Engineer. If the City Manager and City Engineer are satisfied that a portion of the public improvements have been completed in accordance with the final plat, construction drawings as approved by the City and all Codes and regulations of the City pertaining to the Subdivision then the City Manager may authorize a reduction in the amount of security required, provided the remaining security adequately insures the completion of the public improvements and does not reduce the security to less than 50% of the original amount of the security.

c. Failure to Complete Public Improvements– if the developer fails to complete the public improvements in accordance with the final plat, construction drawings as approved by the City and all Codes and regulations of the City pertaining to the Subdivision or otherwise breaches an Improvement Agreement then the City may–

1. Declare the Improvement Agreement to be in default and refuse to issue any building permits on lots in the subdivision, until the Public Improvements have been completed in accordance with the final plat, construction drawings as approved by the City and all Codes and regulations of the City pertaining to the Subdivision;

2. Obtain the security and complete the public improvements. Nothing contained herein shall obligate the City to complete the public improvements in a subdivision;

3. Enter into an Improvement Agreement with a third party to complete the public improvements. An Improvement Agreement with a third party to complete the public improvements may include an assignment of the City's right to the security from the original Improvement Agreement;

4. Exercise any other rights or remedies available under the law.

10-46 Maintenance of Public Improvements

a. Developer Responsible. The developer shall be responsible for the maintenance of public improvements from the time the public improvements are installed until one year after the public improvements have been accepted by the City in accordance with Section 10-47.

b. In order to ensure that the public improvements are properly maintained, the developer shall provide the City with a cash deposit placed in escrow with the City, a maintenance bond executed by a reputable and solvent corporate surety, holding a license to do business in the state or an irrevocable letter of credit from a federally insured financial institution in favor of the City, in an amount equal to fifty (50) percent of the greater of the projected cost or the final cost of the public improvements for the subdivision. If a letter of credit is provided then the letter of credit shall require only that the City present the issuer of the letter with a sight draft and a certificate signed by the City Manager or his designee certifying that the City has a right to draw funds under the letter of credit.

c. The escrow agreement, maintenance bond or letter of credit shall be in favor of the City to indemnify the City against any claims, costs or expenses for repairs which may become necessary to any part of the construction work performed in connection with the Subdivision, arising from defective workmanship or materials used in the construction work, for a period of one year from the date the public improvements are accepted by the City *in accordance with Section 10-47.*

d. The cash deposit, maintenance bond or irrevocable letter of credit shall be provided to the City within thirty days after the developer certifies that the public improvements are complete in accordance with Section 10-44(e).

***Section 10-47* Dedication and Acceptance of Public Improvements**

a. Dedication of Public Improvements is an Offer of Dedication– A dedication of public improvements shown on a Subdivision Plat shall be considered an offer of dedication which may be withdrawn by the developer prior to approval of the Subdivision Plat by the Commission and City Council. Upon approval of the Subdivision Plat by the Commission and City Council, the offered dedication shall remain open until refused or accepted by the City.

b. Approval of a Plat is not Acceptance of a Dedication of Public Improvements– The approval of a Subdivision Plat by the Commission or City Council is not an acceptance of

any proposed dedication and does not impose on the City any duty regarding the maintenance or improvement of any dedicated part.

c. Disapproval of a Plat is Rejection of a Dedication of Public Improvements--The disapproval of a Subdivision Plat by the Commission or City Council is a refusal by the City of the proposed dedication in the Subdivision Plat. §212.011 Texas Local Government Code.

d. Acceptance of Public Improvements Dedicated to the Public– Prior to the City Council meeting at which a proposed dedication of public improvements will be considered for acceptance by the City, the City Manager shall *provide* the Mayor and each Council member with:

1. A copy of the written certification from the developer that construction of the public improvements is complete;

2. A copy of the final inspection report of the City Engineer; and

3. *Proof of a cash deposit and escrow agreement*, maintenance bond, *or irrevocable letter of credit that complies with Section 10-46.*

e. The City Council shall accept or reject the proposed dedication of public improvements of a Subdivision. The City Council may accept all of the public improvements of a Subdivision or only a portion of the public improvements or reject all of the public improvements.

Existing Section 10-46 is deleted and replaced with:

Section 10-48 City Participation in Public Improvements.

a. Developer's Responsibility–

1. Public improvements that primarily serve the subdivision. The developer shall be responsible for the cost of designing and installing all public improvements which primarily serve the subdivision. Public improvements are presumed to primarily serve the subdivision unless otherwise determined by the City.

2. Water and sewer facilities. Except as otherwise provided in this Code, the developer shall be responsible for the cost of extending water and sewer facilities to the subdivision. Water and sewer facilities shall be extended by the developer in accordance with City Code Chapter 19.

3. Drainage facilities. Except as otherwise provided in this Code, the developer shall be responsible for the cost of all drainage structures including but

not limited to inlets, culverts, storm sewers, manholes and sub-drains required to carry storm drainage and groundwater across and from the subdivision.

4. Oversized utilities. The developer shall be responsible for its share of the costs of oversized water, sewer and drainage facilities.

5. Streets. Except as otherwise provided by this Code, the developer shall be responsible for the cost of extending streets to the subdivision, and improving or replacing substandard streets that adjoin the subdivision. The developer shall be responsible for the cost of clearing, excavation to a depth of one foot, sub-grade stabilization, installing curbs and gutters, and paving standard width streets as set forth in Section 10-40.

6. Oversized streets. The developer shall be responsible for its share of the costs of an oversized street.

b. City Participation in the Cost of Public Improvements–

1. The City may require a developer to install oversized water, sewer or drainage facilities, or to construct oversized streets. Provided however, the City shall not require a developer to install an oversized water, sewer, or drainage facility or to construct an oversized street unless the action has been approved by the City Council before construction begins on the oversized facility or street.

2. The City shall not require a developer to install oversized water, sewer or drainage facilities, or to construct oversized streets without budgeting the funds necessary to pay the difference in cost resulting from the increased size of the water, sewer or drainage facility or street.

3. In the event that the City requires a developer to install oversized water, sewer or drainage facilities or construct oversized streets then the City shall be responsible for the difference in cost resulting from the increased size of the water, sewer or drainage facility or street. The City Engineer shall determine the difference in cost resulting from the increased size of the water, sewer or drainage facility or street.

4. In the event that the City requires a developer to install oversized water, sewer or drainage facilities or construct oversized streets then an Improvement Agreement shall be required in accordance with Section 10-45. Provided however, the security for the Improvement Agreement shall be equal to the portion of the projected cost of the public improvements for which the developer is responsible .

Existing Section 10-47 is deleted and replaced with:

Section 10-49 Extraterritorial Jurisdiction

Sections 10-40 through 10-48 shall apply to subdivisions located in the extraterritorial jurisdiction of the City. A subdivision is considered to be located in the extraterritorial jurisdiction of the City if any part of the property to be subdivided is located in the City's extraterritorial jurisdiction.

Existing Section 10-48 is renumbered to ***Section 10-50 Variances and Appeals***

Existing Section 10-49 is renumbered to ***Section 10-51 Gated Development Regulations***
Existing Sections 10-50–10-59 Reserved are renumbered to ***Sections 10-52 –10-59 Reserved.***

AMENDED
FEBRUARY 25, 2008

Mayor Hines declared the public hearing closed.

On motion by Councilmember Bradley, seconded by Councilmember Thompson and carried unanimously, the Council approved an Ordinance captioned as follows change the zoning from "R-1" Single Family Residential District to "RPO" Restricted Professional and Office District all of Lots 19 and 20, Block 10, in the City of Bullard, 133 East Main Street, as resubdivided into Lot 20-A and granted a 500 ft. variance from the 7,000 sq. ft. minimum lot requirement as recommended by the Planning and Zoning Commission:

ORDINANCE NO. 2008-0225-1

AN ORDINANCE AMENDING THE CITY OF BULLARD ZONING ORDINANCE; DIRECTING THE AMENDMENT OF THE ZONING MAP; APPROVING ZONING; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

ITEM 2 – PUBLIC HEARING – REVISIONS TO PLANNING AND ZONING REGULATIONS INCLUDING CURRENT ZONING DESIGNATIONS TO BE CHANGED TO REFLECT THOSE INCLUDED IN THE PLANNING AND ZONING ORDINANCE – ADOPTED – LETTER OF CREDIT REQUIREMENT TABLED

Mayor Hines declared the **Public Hearing** open to consider revisions to the Planning and Zoning Regulations.

The Council considered proposed revisions to the Planning and Zoning Regulations for the City of Bullard. Proposed revisions include sections that pertain to Construction and Inspection Procedures; Completion of Public Improvements and Improvement Agreements; Maintenance of Public Improvements; Dedication and Acceptance of Public Improvements; City Participation in Public Improvements; including but not limited to requirements regarding performance bond or letter of credit from developers; reducing minimum lot size requirements for "R-1A" One Family Residential District and "R-MH" Manufactured Home Residential District lots to 7,500 sq. ft.; Add to process of approval of any plats to include approval by City Council; Removal from the zoning classifications 2 residential zoning districts "R-1B" and "R-1C"; and update City Zoning Map to reflect zoning districts as contained in Ordinance to change "R-1" Single Family Residential to "R-1a" Single Family Residential ; "R-2" Duplex to "R-2" Two-Family Residential; "R-3" Multi-Family to "R-3" Multi-Family Residential District; "R-4" Mobile Home Single Residential to "R-MH" Manufactured Home Residential; "R-5"Mobile Home Residential to "R-MH" Manufactured Home Residential; "B-1" General Business District to "C-1" Light Commercial District; "B-2" General Business District to "C-1" Light Commercial District; and "M-1" General Industrial District to "M-1" Light Industrial District.

On Thursday, February 21, 2008, the Planning and Zoning Commission recommended to the City Council the proposed changes listed in the public hearing notice, with the **exceptions** that "R-1A" Single Family Residential District zoning classification lot size would remain at 9,000

sq. ft.; that the zoning classification of "R-1B" Single Family Residential District not be removed from the Ordinance and that the lot size be changed from 6,000 sq. ft. to 7,500 sq. ft.; that the zoning classification "R-1C" Single Family Residential District be removed from the Ordinance; that the lot size in the zoning classification of "R-MH" Manufactured Home Residential District be increased from 6,000 sq. ft. to 7,500 sq. ft.; and that "B-2" General Business District be designated as "C-2" General Commercial District; and that clarification be made with the Texas Municipal League regarding timeframe/and or restrictions for approval of final plats.

A requirement included in these proposed revisions is that a developer must furnish a letter of credit or bond guaranteeing completion of infrastructure before the Final Plat is approved.

City Manager Morgan stated that according to Texas Municipal League Attorney Scott Houston, plats cannot be finally approved conditionally and that upon approval of a final plat the plat must be filed in County records within 30 days.

Mr. Tom Roper was present stating that his concern was not what was trying to be accomplished but how to get to that point. He stated that if a preliminary plat is approved and work begins he thought that developers should have the option to obtain a bond or do the work. If the work is completed then the final plat has to be presented to P&Z and then to Council and he could foresee 6 months for approval going back and forth to meet requirements. Not only would adding a bond cost of $30,000-$50,000 to a project but the potential exists for increasing the time line for being able to begin to sell property. He felt that there should be some way to have a timely process and protect the City as well.

Mayor Hines stated that he had a letter of credit form that he would like the City Attorney to review. He suggested that, if the Council would like, that portion of the proposed revisions regarding the letter of credit and performance bond could be tabled and the attorney that prepared the language regarding this issue could be asked to appear at Council Meeting and go into more detail; Council could receive a copy of the Ordinance that he will put into the Planning and Zoning Ordinance Book; and address with the attorney the concerns that Mr. Roper expressed to see if there could be any additional language that would make him feel more comfortable, i.e. the City would not unreasonably withhold approval of plat unless it was not prepared correctly.

Mayor Hines declared the public hearing closed.

On motion by Councilmember Johnson, seconded by Councilmember Frederick and carried unanimously, the revisions to the Planning and Zoning Regulations were adopted as originally proposed with the exceptions recommended by the Planning and Zoning Commission **with the exception** that the requirement for the letter of credit and performance bond portion be tabled to be brought back for consideration; and that the current Zoning Designations be changed to reflect revisions adopted and contained in the Planning and Zoning Ordinance and that the Zoning Map be updated to reflect said revisions.

NOTES
FEBRUARY 25, 2008

PLANNING AND ZONING COMMISSION
RECOMMENDATIONS
FEBRUARY 21, 2008

On Thursday, February 21, 2008, the Planning and Zoning Commission recommended to the City Council the proposed changes listed in the public hearing notice, with the **exceptions** that "R-1A" Single Family Residential District zoning classification lot size would remain at 9,000 sq. ft.; that the zoning classification of "R-1B" Single Family Residential District not be removed from the Ordinance and that the lot size be changed from 6,000 sq. ft. to 7,500 sq. ft.; that the zoning classification "R-1C" Single Family Residential District be removed from the Ordinance; that the lot size in the zoning classification of "R-MH" Manufactured Home Residential District be increased from 6,000 sq. ft. to 7,500 sq. ft.; and that "B-2" General Business District be designated as "C-2" General Commercial District; and that clarification be made with the Texas Municipal League regarding time frame/and or restrictions for approval of final plats.