



City of Azle Regular Meeting Agenda City Council

505 W. Main Street
Azle, Texas 76020

April 2, 2024

6:00 PM

Council Chambers

Pursuant to Section 551.071 of the Texas Government Code, the Council may convene into Executive Session(s) from time to time as deemed necessary during the meeting for any posted agenda item and may receive advice from its attorney as permitted by law.

CALL TO ORDER

INVOCATION

The City of Azle is accepting volunteers from all Religions and Denominations to provide the invocation at the beginning of the City Council meeting. If you are interested in giving the invocation at a future meeting, please call the city secretary's office at 817-444-7101 or email: yforgey@cityofazle.org

Creighton Morris, Discipleship Pastor, First Baptist Church Lakeside

PLEDGE OF ALLEGIANCE

PUBLIC PARTICIPATION

This is an opportunity for the public to address the City Council on posted agenda items or non-agenda items. In order to address the Council, please complete a Speaker's Request Form and submit to the City Secretary prior to the start of the council meeting. All comments must be directed to the Presiding Officer, rather than an individual council member or city staff. All speakers must refrain from personal attacks toward any individual. Comments are limited to three (3) minutes and must pertain to the subject matter listed on the Speaker's Request Form. Speakers requiring the assistance of a translator shall be provided four (4) minutes. Council may not comment publicly on non-agenda items, but may direct the City Manager to resolve the matter or request the matter be placed on a future agenda. Public comments regarding non-agenda items shall not include any "deliberation" as defined by Chapter 551 of the Government Code, as now or hereafter amended. If you have a subject that may require City Council action, you may obtain a form from the City Secretary and request the item be placed on a future agenda.

PROCLAMATIONS

1. Proclamations:
 - * Sexual Assault Awareness Month
 - * National Library Week
 - * National Telecommunicator Week

Alan Brundrett, Mayor

PRESENTATIONS

2. Finance Department Annual Presentation
Martin Avila, Finance Director
3. Dunaway Lane Reconstruction Project
Rick White, Public Services Director

ACTION ITEMS

4. Consider and take action on the March 19, 2024 regular council meeting minutes
Yael Forgey, City Secretary
5. Consider any action on Ordinance No. 2024-07 approving the Drought Contingency and Water Conservation Plan
Rick White, Public Services Director

6. Consider any action authorizing the City Manager to execute an interlocal cooperative purchasing agreement with the City of Grand Prairie.

Jennifer Walls, Purchasing Agent

7. Discussion and consideration of all matters incident and related to approving and authorizing publication of notice of intention to issue certificates of obligation, including the adoption of Resolution No. 2024-06 pertaining thereto.

Martin Avila, Finance Director

PUBLIC HEARING

8. Conduct a public hearing and consider any action on Ordinance No. 2024-10 regarding text amendments to Chapter 14 "Zoning Ordinance" of the Code of Ordinances, City of Azle, Texas. The purpose of the text amendment is to consider amendments to the minimum requirements for Planned Development (PD) Districts.

David Hawkins, Director of Planning and Development

9. Conduct a public hearing and consider any action on Ordinance No. 2024-11 regarding text amendments to Chapter 14 "Zoning Ordinance" of the Code of Ordinances, City of Azle, Texas. The purpose of the text amendment is to consider amendments to the Permitted Use Schedule.

David Hawkins, Director of Planning and Development

DISCUSSION ITEMS

10. Economic incentives

Tom Muir, City Manager

ITEMS TO BE PLACED ON FUTURE MEETING AGENDAS

MAYOR/COUNCIL COMMENTS OF COMMUNITY INTEREST

ADJOURNMENT

I, the undersigned authority, do hereby certify the above Agenda was posted at City Hall on March, 28 2024, at the City's official bulletin board and is readily accessible to the public at all times in accordance with V.T.C.A. Chapter 551, Texas Government Code.



**Yael Forgey,
City Secretary**

This facility is wheelchair accessible and handicapped parking spaces are available. Auxiliary aids and services are available to a person when necessary to afford an equal opportunity to participate in city functions and activities. Auxiliary aids and services or accommodations should be requested forty-eight hours prior to the scheduled starting time by calling the City Secretary's Office at 817-444-7101. Complete City Council agenda packet is available for review at the City Secretary's Office and on our website www.cityofazle.org.



Presenter: Alan Brundrett, Mayor

Agenda Item: Proclamations:

- * Sexual Assault Awareness Month
- * National Library Week
- * National Telecommunicator Week

Background and Explanation:

Proclamations;

- * Sexual Assault Awareness Month
- * National Library Week
- * National Telecommunicator Week

Board/Commission/Committee Recommendation:

Staff Recommendation:

Attachments:

None



Presenter: Martin Avila, Finance Director

Agenda Item: Finance Department Annual Presentation

Background and Explanation:

Finance Department Annual Presentation

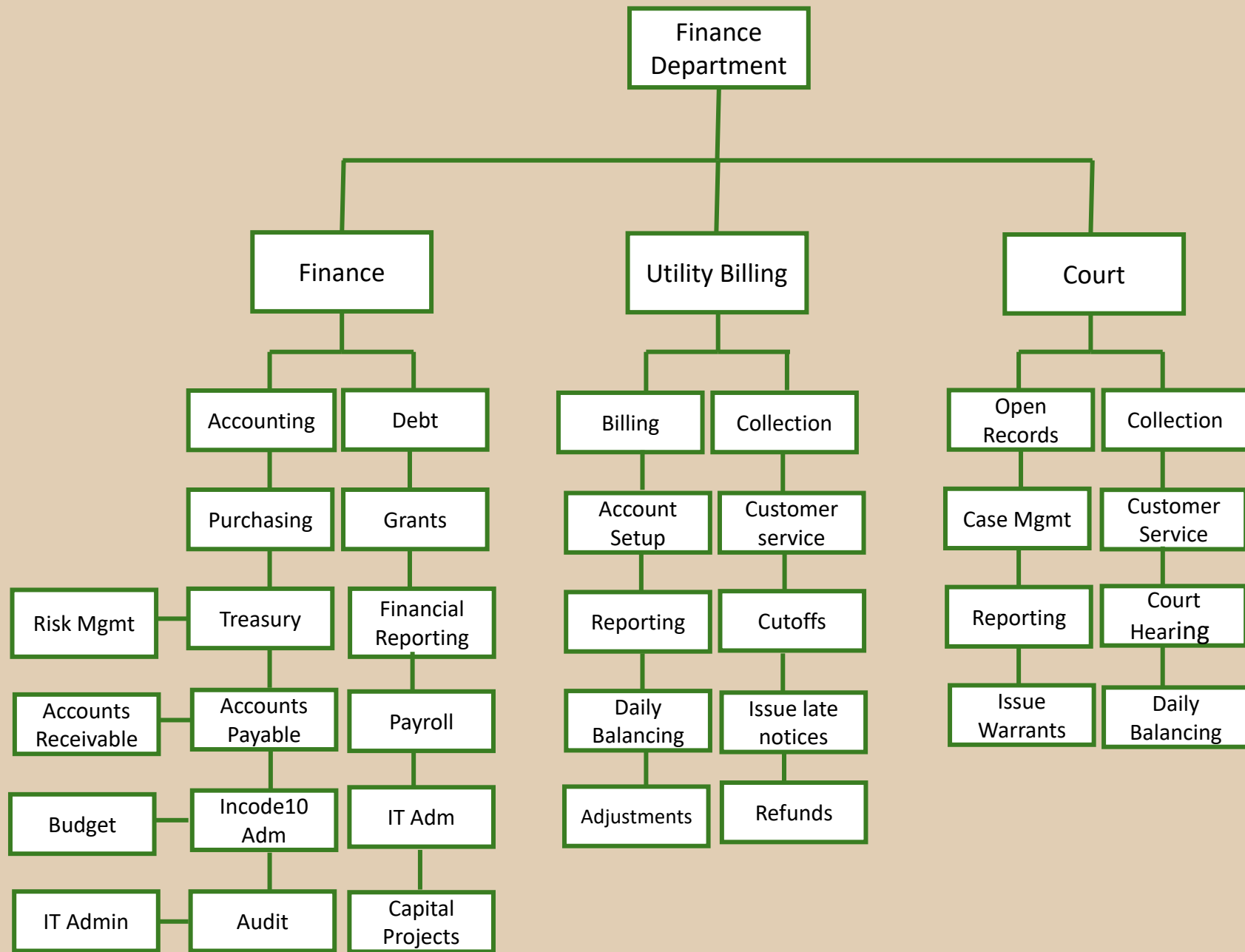
Board/Commission/Committee Recommendation:

Staff Recommendation:

Attachments:

1. Finance Department Annual Presentation

City of Azle
Finance Department
Annual Update
FY 2022-2023



Finance Department- Awards

- GFOA Certificate of Achievement for Excellence in Financial Reporting
 - 2022 Annual Comprehensive Financial Report
 - Twenty first (21st) consecutive year
- GFOA Distinguished Budget Presentation Award
 - 2023 Annual Budget
 - Twentieth (20th) consecutive year
- GFOA Popular Annual Financial Reporting Award
 - 2022 Fiscal year
 - Eight (8th) consecutive Year
- GTOT Investment Policy Certificate of Distinction Award
 - Two-year distinction – FY2023 and FY2024
- TMCEC 2023 Traffic Safety Award

Finance Department - Accomplishments

- Migration from Incode 9 to Incode 10
 - Financial, HR and Utility Billing
 - Court scheduled for FY2024
- Completion of City's Annual Audit- FY2023
 - Unqualified Opinion – best audit opinion
 - No management comments
 - Single Audit report
- Compliance with Public Funds Investment Act
 - Investment policy
 - Investment Quarterly Report
 - \$36,998,760 investment portfolio as of September 30, 2023
- National Night Out participant certificate

Finance Department - Metrics

Metric	2023	2022	% chg
Fund Balance unassigned reserves	223 days	220 days	1.3%
Investment earnings yield	4.35%	2.31%	88.3%
AP invoices paid	7,787	6,719	15.9%
Purchase Orders issued	357	332	7.5%
Number of Utility Service Orders processed	4,895	3,697	32.4%
Total number of water accounts	6,202	5,944	4.2%
Total number of sewer accounts	5,315	5,099	4.2%
Total number of garbage accounts	5,351	5,144	4.0%
Number of violations	5,794	4,212	3.8%
Number of cases disposed from Teen Court/SWEAT	61	42	4.5%
Number of court payments processed	7,019	5,459	22.2%
Number of Warrants issued	2,578	2,174	18.9%

Questions/Comments



Presenter: Rick White, Public Services Director
Agenda Item: Dunaway Lane Reconstruction Project

Background and Explanation:

At the last Council meeting, the City Council expressed a desire to see the design of the Dunaway Lane Reconstruction Project. The consulting engineer, Jacob Martin LLC will present the plans.

Board/Commission/Committee Recommendation:

N/A.

Staff Recommendation:

N/A.

Attachments:

None



Presenter: Yael Forgey, City Secretary

Agenda Item: Consider and take action on the March 19, 2024 regular council meeting minutes

Background and Explanation:

Procedural.

Board/Commission/Committee Recommendation:

N/A.

Staff Recommendation:

Approve.

Attachments:

1. Minutes



MINUTES Regular Meeting Azle City Council

505 W. Main Street
Azle, Texas 76020

March 19, 2024

6:00 PM

Council Chambers

CALL TO ORDER

Mayor Brundrett called the meeting to order at 6:03 PM

Members Present:

Mayor Alan Brundrett
Mayor Pro Tem Randa Goode
Councilmember Derrick Nelson
Councilmember Amy Estes
Councilmember Stacy Peek
Councilmember Rouel Rothenberger
Councilmember Brian Conner

Staff Present:

Tom Muir	City Manager
Lawrence Bryant	Assistant City Manager
Yael Forgey	City Secretary
Susie Hiles	Assistant to the City Manager
Martin Avila	Finance Director
Curren McLane	Library Director
Josh Henson	Interim Water Plant Superintendent
Jennifer Wells	Purchasing Agent
Victor Gonzalez	Assistant Library Director
Rick White	Director of Public Services

INVOCATION

Tabitha Denney, Associate Pastor at The Abbey Church, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Brundrett led the Pledge of Allegiance

PUBLIC PARTICIPATION

Jim Kirk -116 Westlake Woods Drive, requested the council place an item on a future agenda regarding flooding on Lakeview Dr.

PRESENTATION

1. Azle Memorial Library Annual Presentation.

Mayor Brundrett recognized Azle Memorial Library Director Curren McLane, who gave a presentation on Azle Memorial Library's past year's activities; noting the Library is celebrating their 15-year anniversary, and invited Mayor and Council to take part in the celebration on Saturday, March 23, from 1:00 - 3:00 PM.

ACTION ITEMS

2. Consider any action on the March 4, 2024 regular council meeting minutes.

Councilmember Rothenberger moved to approve the March 4, 2024 regular council meeting minutes, as presented. Mayor Pro Tem Goode seconded the motion.

Yes: (7) Alan Brundrett, Randa Goode, Derrick Nelson, Amy Estes, Stacy Peek, Rouel Rothenberger, Brian Conner

3. Consider any action on the Broadway Drainage Project (Bid No. 2024-004).

Mayor Brundrett recognized Public Services Director Rick White, who gave an overview of the Broadway Drainage Project bid process. The City received eleven (11) bids and Staff recommended awarding the project to MX Construction Services in the amount of \$396,141.

Councilmember Rothenberger moved to award the bid for the Broadway Drainage Project (Bid No. 2024-004), to MX Construction Services for \$396,141 as recommended by Staff. Councilmember Nelson seconded the motion.

Yes: (7) Alan Brundrett, Randa Goode, Derrick Nelson, Amy Estes, Stacy Peek, Rouel Rothenberger, Brian Conner.

4. Consider any action for the Process Chemicals (Bid 2024-005)

Mayor Brundrett recognized Purchasing Agent Jennifer Wells, who explained this is an annual bid. The City received nine (9) bids and Staff recommended awarding the bids as marked in the bid tabulation.

Councilmember Peek moved to approve the Process Chemicals (Bid 2024-005) as recommended by Staff. Councilmember Rothenberger seconded the motion.

Yes: (7) Alan Brundrett, Randa Goode, Derrick Nelson, Amy Estes, Stacy Peek, Rouel Rothenberger, Brian Conner

ITEMS TO BE PLACED ON FUTURE MEETING AGENDAS

None.

MAYOR/COUNCIL COMMENTS OF COMMUNITY INTEREST

- 03-23-2023 - Azle Memorial Library 15th Anniversary Celebration from 1 - 3 PM.
- 03-29-2023 - The Feed Lot grand opening beginning at 6 PM.
- 03-29-2024 - City facilities will be closed for Good Friday.
- 04-06-2024 - Mayor Pro Tem Goode advised this is the city Clean-Up Day and encouraged Council to participate.

ADJOURNMENT

Mayor Brundrett adjourned at 6:42 PM

Presented and approved on 04-02-2024

Alan Brundrett, Mayor

Attest:

Yael Forgey, TRMC, CMC
City Secretary



Presenter: Rick White, Public Services Director

Agenda Item: Consider any action on Ordinance No. 2024-07 approving the Drought Contingency and Water Conservation Plan

Background and Explanation:

In 2007, the 80th Texas Legislature amended Section 13.146 of the Texas Water Code to require each retail public utility that provides potable water service to 3,300 or more connections to submit a Drought Contingency and Water Conservation Plan to the Texas Water Development Board and the Texas Commission on Environmental Quality.

The Code also requires the plan to be reviewed and submitted once every five (5) years thereafter. The last time the Council reviewed the plan was April 2019. Staff has reviewed the plan, updated the water use numbers, and made sure the plan meets the requirements set forth by the State of Texas, the Texas Water Development Board, Texas Commission on Environmental Quality, and the Tarrant Regional Water District. This action is the 5-year update to the ordinance to meet State law.

Board/Commission/Committee Recommendation:

N/A.

Staff Recommendation:

Staff recommends approval of Ordinance No. 2024-07.

Attachments:

1. ORD 2024-07
2. 2024 Water Conservation Plan

ORDINANCE NO. 2024-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AZLE, TEXAS AMENDING ORDINANCE 2019-08, BY REPLACING IT IN ITS ENTIRETY WITH THE NEW AND REVISED WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN; PROVIDING A PENALTY CLAUSE FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING THAT THIS ORDINANCE BE CUMULATIVE OF ALL ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Azle, Texas (the "City"), duly adopted the City's Water Conservation and Drought Contingency Plan on June 04, 2019; and

WHEREAS, the City has reviewed and unanimously approved the revised Drought Contingency Plan with the effective date of April 02, 2024.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AZLE, TEXAS THAT:

SECTION 1.

The City Council hereby approves Ordinance 2024-07 amending Ordinance 2019-08, by replacing it in its entirety with the new and revised Water Conservation Plan and Drought Contingency Plan **(EXHIBIT A)** and thereby setting the city's Drought Contingency Plan in line with the Tarrant Regional Water District's water conservation plan.

SECTION 2.

City water customers that do not comply with the Drought Contingency Plan shall be subject to (i) a penalty and fine of not less than one hundred dollars (\$100.00) per day nor more than five hundred dollars (\$500.00) per day for each day of noncompliance; and/or (ii) discontinuance of water services to water customers by the City.

SECTION 3.

Water customers of the City that do not comply with the Drought Contingency Plan, shall be subject to the enforcement described in Section 6.13 of the attached Water Conservation and Drought Contingency Plan, including a penalty of discontinuance by the City for water services to such water customers.

SECTION 4.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Azle, Texas, as amended, except where the provisions are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION 5.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable and if any phrase, clause, sentence paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionally shall not affect any of the remaining phrases, clauses, sentences, paragraph and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 6.

The City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this ordinance as an alternative method of publication provided by law.

SECTION 7.

This ordinance shall become effective and be in full force and effect from and after the date of passage and adoption by the City Council.

PASSED AND APPROVED on First and Final Reading this the 2nd day of April 2024, at a regular meeting of the City Council of the City of Azle, Texas.

Alan Brundrett, Mayor

ATTEST:

Yael Forgey, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Andrea Russell, City Attorney

WATER CONSERVATION PLAN



DROUGHT CONTINGENCY PLAN

April 2024

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CITY OF AZLE

Water Conservation and Drought Contingency Plan

1 INTRODUCTION AND OBJECTIVES

Water supply has always been a key issue in the development of Texas. In recent years, the increasing population and economic development in Region C have led to growing demands for water. At the same time, local and less expensive sources of water supply are largely developed; additional supplies to meet higher demands will be expensive and difficult to develop. Therefore, it is important that we make efficient use of existing supplies and make them last as long as possible. This will delay the need for new supplies, minimize the environmental impacts associated with developing new supplies, and delay the high cost of additional water supply development.

Recognizing the need for efficient use of existing water supplies, the Texas Commission on Environmental Quality (TCEQ) has developed guidelines and requirements governing the development of water conservation and drought contingency plans for public water suppliers. The City of Azle has adopted this Water Conservation and Drought Contingency Plan pursuant to TCEQ guidelines and requirements.

The objectives of the water conservation plan are:

- To reduce water consumption.
- To reduce the loss and waste of water.
- To identify the level of water reuse.
- To improve efficiency in the use of water.
- To extend the life of current water supplies by reducing the rate of growth in demand.

The objectives of the drought contingency plan are:

- To conserve the available water supply in times of drought and emergency.
- To maintain supplies for domestic water use, sanitation, and fire protection.
- To protect and preserve public health, welfare, and safety.
- To minimize the adverse impacts of water supply shortages.
- To minimize the adverse impacts of emergency water supply conditions.

2 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES

2.1 Conservation Plans

The TCEQ rules governing development of water conservation plans for public water suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2 of the Texas Administrative Code. For the purpose of these rules, a water conservation plan is defined as:

“A strategy or combination of strategies for reducing the volume of water withdrawn from a water supply source, for reducing the loss or waste of water, for maintaining or improving the efficiency in the use of water, for increasing the recycling and reuse of water, and for preventing the pollution of water. A water conservation plan may be a separate document identified as such or may be contained within another water management document(s).”

According to TCEQ rules, water conservation plans for public water suppliers must have a certain minimum content (Section 3), must have additional content for public water suppliers that are projected to supply 5,000 or more people in the next ten years (Section 4), and may have additional optional content (Section 5).

2.2 Drought Contingency Plans

The TCEQ rules governing development of drought contingency plans for public water suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.20 of the Texas Administrative Code. For the purpose of these rules, a drought contingency plan is defined as:

“A strategy or combination of strategies for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies. A drought contingency plan may be a separate document identified as such or may be contained within another water management document(s).”

The Water Conservation and Drought Contingency Plan for the City of Azle is contained in Section 6 of this plan.

3 MINIMUM REQUIRED WATER CONSERVATION PLAN CONTENT

The minimum requirements in the Texas Administrative Code for water conservation plans for public drinking water suppliers covered in this report are as follows:

- §288.2(a)(1)(A) – Utility Profile – Section 3.1
- §288.2(a)(1)(B) – Specification of Goals Before May 1, 2005 – Section 3.2
- §288.2(a)(1)(C) – Specification of Goals After May 1, 2005 – Section 3.2
- §288.2(a)(1)(D) – Accurate Metering – Sections 3.3 and 3.4
- §288.2(a)(1)(E) – Universal Metering – Section 3.4
- §288.2(a)(1)(F) – Determination and Control of Unaccounted Water – Section 3.5
- §288.2(a)(1)(G) – Public Education and Information Program – Section 3.6
- §288.2(a)(1)(H) – Non-Promotional Water Rate Structure – Section 3.7
- §288.2(a)(1)(J) – Means of Implementation and Enforcement – Section 3.8
- §288.2(a)(1)(K) – Coordination with Regional Water Planning Group – Section 3.9
- §288.30(10)(C) - Annual Water Conservation Implementation Reports – Section 3.10

3.1 Utility Profile

The City of Azle has a current population of 12,495 with 5,459 connections both inside and outside the Incorporated City limits. The raw water is supplied by the TRWD (Tarrant Regional Water District) from Eagle Mountain Lake. The water is treated at the Azle Water Plant located at 1500 Lakeview Drive Azle, Texas 76020, and has the capability of treating 6 MGD. The City also operates the Ash Creek Wastewater Treatment Plant located at 816 Park Street Azle, Texas 76020. The Ash Creek Wastewater plant has a permitted limit of 2.45 MGD, and is an activated sludge process.

Table 1.1 summarizes key facts from the Water Utility Profile. The water utility profile form is located at: [10218.doc \(live.com\)](#)

3.2 Specification of Water Conservation Goals

Table 1.1 shows historical per capita municipal water use for the City of Azle. Water use is shown in units of gallons per capita per day (gpcd). Municipal water use is total use less wholesale sales to other municipal suppliers less sales to industrial users. Per capita municipal water use is municipal water use divided by population. The per capita municipal water use does not include industrial use.

Projected per capita municipal uses were obtained from the Texas Water Development Board (TWDB) and interpolated to match the appropriate years for the 5-year and 10-year goals. The TWDB projections are applicable for a dry year, in which outdoor water use would be high.

Per capita municipal water use in a year with normal or high precipitation during the summer should be less than projected here.

Table 1.1 Summary of Water Utility Profile for the City of Azle

Water Service Area: = 9 square miles						
Miles of Distribution Pipe: = 96 miles						
Population:						
Current Population = 14,298 in 2023						
2000 Population = 12,820						
Projected 2050 Population = 19,281						
Connections:						
Connections = 5,701 in 2019						
Current Connections = 6,330 in 2023						
Total Increase in Connections in Last 5 Years = 871						
Information on Water Use for the Last Five Years:						
Year	Use (MG)	Population*	Estimated per Capita	City Water use (MG)	Water Loss in (MG).	Peak Day to Average Day
2019	528	12,790	113 gpcd	4.690	21.1	1.460 – 1.828
2020	592	12,820	127 gpcd	7.034	31.2	1.655 – 2.366
2021	612	12,940	130 gpcd	5.242	66.5	1.693 – 1.849
2022	708	13,608	142 gpcd	6.603	18.8	1.900 – 2.721
2023	698	14,298	132 gpcd	6.130	17.4	1.875 – 2.754
*Source of population estimate is <u>NCTCOG (North Central Texas Council of Government)</u> .						
Water Supply Source(s): = Eagle Mountain Lake						
Treatment and Distribution System:						
Treatment Plant Capacity = 6 million gallons per day						
Elevated storage = 1.5 million gallons						
Ground storage = 2.4 million gallons						
Current Total Annual Wastewater Flow: = 475.30 million gallons in 2023.						

The TWDB projections include the impact of low-flow plumbing fixtures and water conservation measures that have been in effect since at least 2000 but do not include the effect of water conservation measures recommended in this plan. The impact of low-flow plumbing fixtures has been itemized to show the total amount of projected water conservation in the City of Azle. Table 1.2 shows the projected per capita water use after implementation of this Water

Conservation and Drought Contingency Plan. Table 1.2 also shows how much of the projected per capita water use is supplied by reclaimed water.

Table 1.2

Historical total Per Capita Use and Water Conservation Goals

	Year	Gpcd
Historical Per Capita Municipal Use	2019	113
	2020	127
	2021	130
	2022	142
	2023	132
5-Yr. Average		129
Projected Municipal use in 5 Yrs.	2028	129
Projected Municipal use in 10 Yrs.	2038	126

(The City uses the 5-year average as the baseline for setting the GPCD goals)

The City's water conservation goals include the following:

- Maintain the City's meter replacement program (Section 3.4).
- Keep the level of water loss in the system less than 4 GPCD in all subsequent years (Section 3.5).
- Raise public awareness of water conservation and encourage responsible public behavior through a public education and information program, as discussed in Section 3.6.
- Decrease waste in lawn irrigation through implementation and enforcement of a landscape water management ordinance (Section 5.4).

3.3 Accurate Metering of Raw Water Supplies and Treated Water Deliveries

The City of Azle meters all raw water diversions from Eagle Mountain Lake and meters all treated water deliveries to the distribution system from the water treatment plant. Each meter has an accuracy of plus or minus 5 percent (5%). The meters are calibrated on an annual basis by a qualified meter technician to maintain the required accuracy and are repaired and/or replaced as needed.

3.4 Metering of Customer and Public Uses and Meter Testing, Repair, and Replacement

Water usage for all customers of the City of Azle, including public and governmental users, is metered.

As part of the City of Azle's ongoing conservation efforts we will continue our meter replacement program, by replacing every meter on a 15-year cycle, based on the replacement of oldest meters in the system first. In addition, meters registering any unusual or questionable readings will be tested and replaced as needed.

3.5 Determination and Control of Water Loss

Water loss is the difference between raw water drawn from Eagle Mountain Lake and authorized consumption. Water losses can include categories such as:

- Inaccuracies in customer meters (customer meters tend to run more slowly as they age and under-report actual use).
- Losses due to water main breaks and leaks in the water distribution system.
- Losses due to illegal connections (theft).
- Other.

The City of Azle will conduct a water audit every 5 years using the TWDB Water Loss Manual. It is the City's plan to base this audit on real losses to include leakage and overflows at the water treatment plant. Identifying and preventing real losses decreases a utility's costs and decreases water usage. The City will target real losses under this water conservation strategy. Methods for controlling real water losses are discussed in Section 4.1.

Water loss for the City of Azle has varied from 10.80 percent to 2.50 percent in the last five years. With the measures described in this plan, the City of Azle intends to maintain the water loss below 5 GPCD in subsequent years.

3.6 Continuing Public Education and Information Campaign

The continuing public education and information campaign on water conservation for the City of Azle includes the following elements:

- Promote the City's water conservation measures (presented in Sections 3, 4, and 5).
- Include inserts on water conservation with water bills at least twice per year. Inserts will include material developed by City of Azle staff and material obtained from the TWDB, the TCEQ, the AWWA and other sources.
- Encourage local media coverage of water conservation issues and the importance of water conservation.
- Notify local organizations, schools, and civic groups that City of Azle staff is available to make presentations on the importance of water conservation and ways to save water.
- Make the Texas Smartscape, water conservation brochures, and other water conservation materials available to the public.

- Make information on water conservation available online at www.cityofazle.org and will include links to the Texas Smartscape website and to information on water conservation on the TWDB and TCEQ web sites.

3.7 Non-Promotional Water Rate Structure

With the intent of encouraging water conservation and discouraging waste and excessive use of water, the City of Azle has adopted an increasing block rate water structure where the unit price of water increases with increasing water use. Current water rates are shown in Tables 1.3 and 1.4.

Table 1.3

Monthly base rate inside the City			Monthly base rate outside the City		
Meter Size (in)	Total Charge Residential	Total Charge Commercial	Meter Size (in)	Total Charge Residential	Total Charge Commercial
5/8 x 3/4	\$25.94	\$31.40	5/8 x 3/4	\$38.93	\$46.71
1	\$37.63	\$45.15	1	\$56.44	\$67.73
1 1/2	\$55.53	\$66.64	1 1/2	\$83.30	\$99.96
2	\$76.81	\$92.17	2	\$115.22	\$138.26
3	\$179.06	\$214.87	3	\$268.58	\$332.30
4	\$302.06	\$362.47	4	\$453.09	\$543.70
6	\$510.48	\$612.57	6	\$765.72	\$918.85

Table 1.4

Volume charges inside the City		Volume charges outside the City	
Cubic Feet Used	Volume Unit Charge (\$/100 cf)	Cubic Feet Used	Volume Unit Charge (\$/100 cf)
275 or less	Included in base rate	275 or less	Included in base rate
276 – 1500	\$3.02	276 – 1500	\$4.53
1,501 – 2,000	\$4.00	1,501 – 2,000	\$6.00
2,001 – 4,000	\$4.10	2,001 – 4,000	\$6.15
4,001 – 6,000	\$4.20	4,001 – 6,000	\$6.30
6,001 – 8,000	\$4.30	6,001 – 8,000	\$6.45
Above 8,000	\$4.45	Above 8,000	\$6.68

3.8 Implementation and Enforcement of the Water Conservation Plan

The City of Azle City Council has adopted this Water Conservation and Drought Contingency Plan. The resolution designates responsible officials to implement and enforce the Water Conservation and Drought Contingency Plan. The landscape water management ordinance for the City of Azle also includes information about enforcement.

3.9 Coordination with Regional Water Planning Group

Notification was sent to the Chair of the Region C Water Planning Group of the City's commitment to this Water Conservation and Drought Contingency Plan.

This plan also requires submittal to TWDB and TRWD of a water conservation implementation report by May 1 each year. TWDB has a reporting form:

https://www.twdb.texas.gov/conservation/municipal/plans/doc/RWS_1966.pdf

3.10 Annual Water Conservation Implementation Reports

The City will submit a water conservation implementation report to the executive administrator of the Texas Water Development Board by May 1 each year. This report will include water use statistics, describe conservation measures implemented, provide data about whether or not targets in the plan are being met, and estimate the actual amount of water saved. The most recent water conservation implementation report may be found at www.cityofazle.org.

In addition, the City will submit a customer water conservation report to the Tarrant Regional Water District by May 1 each year. This report will include population and service area data, number of connections, water use data, and projected water demands. The most

recent TRWD customer water conservation report may be requested from the Superintendent of the Azle Water Treatment Plant by calling 817-752-2686.

4 ADDITIONAL REQUIRED WATER CONSERVATION PLAN CONTENT

The Texas Administrative Code also includes additional requirements for water conservation plans for public drinking water suppliers that serve a population of 5,000 people or more and/or a projected population of 5,000 people or more within the next ten years:

- §288.2(a)(2)(A) – Leak Detection, Repair, and Water Loss Accounting – Sections 3.5 and 4.1
- §288.2(a)(2)(B) – Record Management System – Section 4.2
- §288.2(a)(2)(C) – Wholesale Customers Must Develop Water Conservation Plans – Section 4.3

4.1 Leak Detection and Repair; Pressure Control

Measures to control water loss are part of the routine operations of the City of Azle. Meter readers watch for and report signs of illegal connections so they can be addressed quickly. Crews and personnel look for and report evidence of leaks in the water distribution system. Maintenance crews respond quickly to repair leaks reported by the public and city personnel. The City of Azle spends \$750,000 per year to repair and replace water distribution lines and uses two (2) distribution line maintenance crews. Areas of the water distribution system in which numerous leaks and line breaks occur are targeted for replacement as funds are available.

To further reduce water losses, The City of Azle will maintain a proactive water loss program. As part of this program, the City responds quickly to reports of leaks within 24 hours.

4.2 Record Management System

As required by TAC Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2(a)(2)(B), the record management system for the City of Azle records water pumped, water delivered, and water sold; estimates water losses; and allows for the separation of water sales and uses into residential, commercial, public/institutional, and industrial categories.

4.3 Requirement for Water Conservation Plans by Wholesale Customers

At this time, the City of Azle is not a wholesale water provider. After adoption of this plan, each contract for the wholesale sale of water by the City of Azle will include a requirement that the wholesale customer develop and implement a water conservation plan meeting the requirements of Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2 of the Texas Administrative Code. This requirement will also extend to each successive wholesale customer in the resale of the water.

5 OPTIONAL WATER CONSERVATION PLAN CONTENT

TCEQ rules also list optional (not required) conservation strategies, which may be adopted by suppliers to achieve the stated goals of the plan. The following optional strategies are listed in the rules and included in this plan:

- §288.2(a)(3)(A) – Conservation Oriented Water Rates – Section 3.7
- §288.2(a)(3)(B) – Ordinances, Plumbing Codes or Rules on Water-Conserving Fixtures – Section 5.1
- §288.2(a)(3)(D) – Reuse and Recycling of Wastewater – Section 5.2
- §288.2(a)(3)(F) – Landscape Water Management Ordinance - Water Waste Prohibition – Section 5.3

5.1 Ordinances, Plumbing Codes, or Rules on Water-Conserving Fixtures

The State of Texas has required water-conserving fixtures in new construction and renovations since 1992. The state standards call for flows of no more than 2.2 gpm for faucets, 2.5 gpm for showerheads, 1.0 gpm for urinals, and 1.6 gallons per flush for toilets. Similar standards are also required under federal law. These state and federal standards assure that all new construction and renovations in the City of Azle will use water-conserving fixtures.

5.2 Reuse and Recycling of Wastewater

The City of Azle operates the Ash Creek Wastewater Treatment Plant; it discharges approximately 2,000 ac-ft/yr of reclaimed water to a holding pond at the Azle Cross-Timbers Golf Course on Reynolds Branch Creek approximately 3 miles west of said wastewater treatment plant, where it is used to irrigate the Cross-Timbers Golf Course. This reuse project provides approximately 100 percent of the Cross-Timbers Golf Courses total irrigation water supply.

5.3 Water Waste Prohibition

As part of the development of this water conservation plan, the City of Azle adopted a landscape water management ordinance. This ordinance is intended to minimize waste in landscape irrigation. This waste includes; watering during any form of precipitation, not maintaining the system (i.e. broken heads, missing heads, broken irrigation lines, or watering impervious surfaces). The ordinance includes the following elements:

- A recommendation that outdoor watering with automatic sprinklers from 10:00 a.m. to 6:00 p.m. is discouraged. (Watering with hand-held hoses, soaker hoses, or dispensers is allowed.)
- Requirement that all new irrigation systems include rain and freeze sensors.

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- Requirement that all new irrigation systems be in compliance with state design and installation regulations (Texas Administrative Code Title 30, Part 1, Chapter 344).
 - Prohibition of designs and installations that spray directly onto impervious surfaces such as sidewalks and roads or onto other non-irrigated areas.
 - Prohibition of use of poorly maintained sprinkler systems that waste water.
 - Prohibition of outdoor watering during any form of precipitation.
 - Enforcement of the ordinance by a system of verbal warnings, written letters and then followed by fines for continued or repeat violations.

6 DROUGHT CONTINGENCY PLAN

6.1 Introduction

The purpose of this drought contingency plan is as follows:

- To conserve the available water supply in times of drought and emergency.
- To maintain supplies for domestic water use, sanitation, and fire protection.
- To protect and preserve public health, welfare, and safety.
- To minimize the adverse impacts of water supply shortages.
- To minimize the adverse impacts of emergency water supply conditions.

6.2 State Requirements for Drought Contingency Plans

This Water Conservation and Drought Contingency Plan is consistent with Texas Commission on Environmental Quality (TCEQ) guidelines and requirements for the development of drought contingency plans by public drinking water suppliers, contained in Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.20 of the Texas Administrative Code. TCEQ's minimum requirements for drought contingency plans are addressed in the following subsections of this report:

- 288.20(a)(1)(A) – Provisions to Inform the Public and Provide Opportunity for Public Input – Section 6.3
- 288.20(a)(1)(B) – Provisions for Continuing Public Education and Information – Section 6.4
- 288.20(a)(1)(C) – Coordination with the Regional Water Planning Group – Section 6.14
- 288.20(a)(1)(D) – Criteria for Initiation and Termination of Drought Stages – Section 6.5 and 6.6
- 288.20(a)(1)(E) – Drought and Emergency Response Stages – Section 6.7
- 288.20(a)(1)(F) – Specific, Quantified Targets for Water Use Reductions – Section 6.8, 6.9, and 6.10
- 288.20(a)(1)(G) – Water Supply and Demand Management Measures for Each Stage – Section 6.4, 6.5, and 6.6
- 288.20(a)(1)(H) – Procedures for Initiation and Termination of Drought Stages – Section 6.12
- 288.20(a)(1)(I) - Procedures for Granting Variances – Section 6.13
- 288.20(a)(1)(J) - Procedures for Enforcement of Mandatory Restrictions – Section 6.8
- 288.20(a)(3) – Consultation with Wholesale Supplier – 6.14
- 288.20(b) – Notification of Implementation of Mandatory Measures – Section 6.5
- 288.20(c) – Review and Update of Plan – Section 6.15

6.3 Provisions to Inform the Public and Opportunity for Public Input

The City of Azle provided opportunity for public input in the development of this Water Conservation and Drought Contingency Plan by the following means:

- Providing written notice of the proposed plan and the opportunity to comment on the plan by posted notice and notice on The City of Azle's web site, <http://www.cityofazle.org>.
- Making the draft plan available on City of Azle's web site, <http://www.cityofazle.org>.
- Providing the draft plan to anyone requesting a copy.
- Hold a public meeting at the City of Azle City Hall at the time of adoption.

6.4 Provisions for Continuing Public Education and Information

The City of Azle will inform and educate the public about its Water Conservation and Drought Contingency Plan by the following means:

- Preparing a bulletin describing the plan and making it available at city hall and other appropriate locations.
- Making the plan available to the public through the City of Azle's web site at <http://www.cityofazle.org>.
- Including information about the Plan on the City of Azle's web site, <http://www.cityofazle.org>.
- Notifying local organizations, schools, and civic groups that City of Azle staff members are available to make presentations on the drought contingency plan (usually in conjunction with presentations on water conservation programs).
- The Consumer Confidence Report (CCR) includes a page about conservation that contains links to websites that promote conservation and drought update information. In addition, as required by House Bill 1461, the CCR contains information on the most recent water loss reported in the TWDB Water Loss Audit.

At any time that the Drought Contingency Plan is activated, or the drought stage changes, the City of Azle will notify local media of the issues, the drought response stage, and the specific actions required of the public. The information will also be publicized on the City of Azle web site, <http://www.cityofazle.org>. Billing inserts will also be used as appropriate.

6.5 Initiation of Drought Response Stages

The City Manager or his/her official designee may order the implementation of a drought response stage or water emergency when one or more of the trigger conditions for that stage is met. The following actions will be taken when a drought stage is initiated:

- The public will be notified through local media.

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- Wholesale customers (none at present) will be notified by telephone with a follow-up letter or fax.
 - If any mandatory provisions of the Drought Contingency Plan are activated, the City of Azle will notify the Executive Director of the TCEQ within five (5) business days.

For other trigger conditions, the City Manager or his/her designee may decide not to order the implementation of a drought response stage or water emergency even though one or more of the trigger criteria for the stage are met. Factors that could influence such a decision include, but are not limited to, the time of the year, weather conditions, the anticipation of replenished water supplies, or the anticipation that additional facilities will become available to meet the needs of the City of Azle and its customers.

6.6 Termination of Drought Response Stages

The City Manager or official designee may order the termination of a drought response stage or water emergency when the conditions for termination are met or at his/her discretion. The following actions will be taken when a drought stage is terminated:

- The public will be notified through local media.
- Wholesale customers will be notified by telephone with a follow-up letter or fax.
- When any mandatory provisions of the Drought Contingency Plan that have been activated are terminated, the City of Azle will notify the Executive Director of the TCEQ within 5 business days.

The City Manager or his/her designee may decide not to order the termination of a drought response stage or water emergency even though the conditions for termination of the stage are met. Factors that could influence such a decision include, but are not limited to, the time of the year, weather conditions, or the anticipation of potentially changed conditions that warrant the continuation of the drought stage.

6.7 Drought and Emergency Response Stages

The triggering criteria described below are based on a statistical analysis of the vulnerability of the water source under drought of record conditions as developed by the raw water provider, Tarrant Regional Water District (TRWD).

6.8 Stage 1, Water Watch

6.8.1 Triggering and Termination Conditions for Stage 1, Water Watch

- Total combined raw water supply in TRWD western and eastern division reservoirs drops below 75% (25% depleted) of conservation storage capacity.
- Water demand is projected to approach the limit of permitted supply.
- Supply source becomes contaminated.

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- Water supply system is unable to deliver water due to the failure or damage of major water system components.
 - The City Manager, with the concurrence of the City Council, finds that conditions warrant the declaration of a Stage 1 drought.

Subject to preceding paragraphs regarding the Termination of a Drought Response stage, Stage 1, Water Watch, will be terminated when the total combined raw water supply in TRWD's West Fork and East Texas reservoirs exceeds 95% of conservation storage or remains above 85% for 90 consecutive days, whichever occurs first.

6.8.2 Goal for Use Reductions

Goal – The goal for the Stage 1 water use restriction is a five percent (5%) reduction in system demand compared to system demand prior to implementation of Stage 1.

6.8.3 Actions Available under Stage 1, Water Watch

The City Manager may order the implementation of any of the actions listed below, as deemed necessary. Measures imposing mandatory requirements on customers require notification to TCEQ. TRWD must notify TCEQ within five business days if any mandatory measures are implemented.

Require customers (including indirect customers) to initiate Stage 1 in their drought contingency plans. Indirect customers include any successive wholesale customers of the City's primary wholesale customers.

- Initiate mandatory restrictions to prohibit non-essential water use as follows:
 - Prohibit hosing of paved areas, such as sidewalks, driveways, parking lots, tennis courts, or other impervious surfaces, except to alleviate an immediate health or safety hazard.
 - Prohibit hosing of buildings or other structures for purposes other than fire protection or surface preparation prior to painting.
 - Prohibit using water in such a manner as to allow runoff or other waste, including:
 - 1) failure to repair a controllable leak, including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet;
 - 2) operating a permanently installed irrigation system with: (a) a broken head; (b) a head that is out of adjustment and the arc of the spray head is over a street or parking lot; or (c) a head that is misting because of high water pressure; or
 - 3) during irrigation, allowing water to (a) run off a property and form a stream of water in a street for a distance of 50 feet or greater; or (b) to pond in a street or parking lot to a depth greater than one-quarter of an inch.
- Prohibit outdoor watering with sprinklers or irrigation systems between 10 a.m. and 6 p.m.

- Limit landscape watering with sprinklers or irrigation systems at each service address to twice per week (Outdoor watering schedule to be determined by the Director of Public Services). Includes landscape watering of parks, golf courses and sports fields.

Exceptions:

- Foundations may be watered for up to two hours on any day by handheld hose; or using a soaker hose or drip system placed within 24-inches of the foundation that does not produce a spray of water above the ground.
- Newly installed shrubs (first year) and trees may be watered for up to two hours on any day by handheld hose, drip irrigation, soaker hose, or tree bubbler. Tree watering is limited to an area not to exceed the drip line of a tree.
- Establishing new turf is discouraged. If new hydro mulch, grass sod, or grass seed is installed for the purpose of establishing a new lawn, there are no watering restrictions for the first 30 days while it is being established. After that, the watering restrictions set forth in this stage apply. (This exception does not include over seeding with rye since turf already exists.)
- Outdoor watering at service addresses with large multi-station irrigation systems may take place in accordance with a variance granted by the Director of Public Services, if the Director of Public Services determines that a property cannot be completely irrigated with an average of three-quarters of an inch of water in a single day, and that the property should be divided into sections to be watered on different days.
- Twice per week watering restrictions do not apply to locations using well water or treated wastewater effluent for irrigation.
- Washing of any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle shall be limited to the use of a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the premises of a commercial car wash or commercial service station. Further, such washing may be exempt from these requirements if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- All users are encouraged to reduce the frequency of draining and refilling swimming pools.
- All users are encouraged to use Texas native and drought tolerant plants in landscaping.

In addition to actions listed above the City and Local Government shall:

- Review conditions and problems that caused Stage 1. Take corrective action.
- Increase public education efforts on ways to reduce water use.
- Increase enforcement efforts.

- Intensify leak detection and repair efforts.
- Audit all city and local government irrigation systems to ensure proper condition, settings, and operation.
- Identify and encourage voluntary reduction measures by high-volume water users through water use audits.
- Landscape watering of municipal parks, golf courses, and sports fields is limited to twice per week watering schedule; or twice per week per irrigation station if a variance is granted by the Director of Public Services. (See exceptions to outdoor watering restrictions in all water user's category for rules that apply to facilities with large multi-station irrigation systems.)

Exceptions:

- Golf courses may water greens and tee boxes without restrictions; however, watering must be done before 10 a.m. and after 6 p.m.
 - Skinned areas of sports fields may be watered as needed for dust control.
- Reduce non-essential water use. As used herein, non-essential water uses are those that do not have any health or safety impact and are not needed to meet the core function of the agency.
- Notify wholesale customers of actions being taken and request them to implement the same drought stage and measures.

Commercial or Industrial

- All actions listed above for all water users apply to commercial and industrial users.
- Landscape watering of parks, golf courses, and sports fields is limited to twice per week watering schedule; or twice per week per irrigation station if a variance is granted by the Director of Public Services. (See exceptions to outdoor watering restrictions in all water user's category above for rules that apply to facilities with large multi-station irrigation systems.)

Exceptions:

- Golf courses may water greens and tee boxes without restrictions; however, watering must be done before 10 a.m. and after 6 p.m.
 - Skinned areas of sports fields may be watered without restrictions as needed for dust control.
 - Professional sports fields (playing fields with a stadium only – not surrounding landscaping) may be watered as needed to maintain league standards.
- Stock at commercial plant nurseries is exempt from Stage 1 watering restrictions.
- Hotels, restaurants, and bars are encouraged to serve drinking water to patrons on an “on demand” basis.

- Hotels are encouraged to implement laundry conservation measures by encouraging patrons to reuse linens and towels.

6.9 Stage 2, Water Warning

6.9.1 Triggering and Termination Conditions for Stage 2, Water Warning

- Total raw water supply in TRWD western and eastern division reservoirs drops below 60% (40% depleted) of conservation storage capacity.
- Water demand for all or part of the delivery system approaches delivery capacity because delivery capacity is inadequate.
- Water demand is projected to approach the limit of permitted supply.
- Supply sources become contaminated.
- Water supply system is unable to deliver water due to the failure or damage of major water system components.
- The City Manager, with the concurrence of the City Council, finds that conditions warrant the declaration of a Stage 2 drought.

Subject to preceding paragraphs regarding the Termination of a Drought Response stage, Stage 2, Water Warning, will be terminated when the Total combined raw water supply in TRWD's West Fork and East Texas reservoirs exceeds 75% of conservation storage or remains at or above 70% for 30 consecutive days, whichever occurs first.

6.9.2 Goal for Use Reduction

Goal – The goal for the Stage 2 water use restriction is a ten percent (10%) reduction in system demand compared to system demand prior to implementation of Stage 1.

6.9.3 Actions Available under Stage 2, Water Warning

The City Manager may order the implementation of any of the actions listed below, as deemed necessary. Measures imposing mandatory requirements on customers require notification to TCEQ. The City must notify TCEQ within five business days if any mandatory measures are implemented.

- Continue or initiate any actions available under Stage 1.
- Require customers (including indirect customers) to initiate Stage 2 in their drought contingency plans. Indirect customers include any wholesale customer of the City's primary wholesale customers.
- Initiate engineering studies to evaluate water supply alternatives should conditions worsen.

All Water Users

- Limit landscape watering with sprinklers or irrigation systems at each service address to once every seven days. Outdoor watering schedule to be determined by the City Manager.

Exceptions:

- Foundations may be watered for up to two hours on any day by handheld hose; or using a soaker hose or drip system placed within 24 inches of the foundation that does not produce a spray of water above the ground.
- Newly installed shrubs (first year), and trees may be watered up to two hours on any day by handheld hose, drip irrigation, or a soaker hose. Tree watering is limited to an area not to exceed the drip line of a tree.
- Outdoor watering at service addresses with large multi-station irrigation systems may take place in accordance with a variance granted by the Director of Public Services, if the Director of Public Services determines that a property cannot be completely irrigated with an average three-quarters of an inch of water in a single day, and that the property should be divided into sections to be watered on different days.
- Once per week watering restrictions do not apply to locations using well water or treated wastewater effluent for irrigation.
- All users are encouraged to wait until the current drought or emergency situation has passed before establishing new landscaping and turf. If new hydro mulch, grass sod, or grass seed is installed for the purpose of establishing a new lawn, there are no watering restrictions for the first 30 days while it is being established. After that, the watering restrictions set forth in this stage apply. (This exception does not include over seeding with rye since turf already exists.)
- Prohibit the use of water for dust control, except as required to protect public health.
- Prohibit the operation of ornamental fountains or ponds that use potable water except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- Prohibit filling of swimming pools with automatic valves.

In addition to actions listed above the City and Local Government:

- Continue or initiate any actions available under Stage 2.
- Review conditions or problems that caused Stage 2. Take corrective action.
- Increase frequency of media releases on water supply conditions.
- Further accelerate public education efforts on ways to reduce water use.
- Landscape watering of municipal parks, golf courses, and sports fields is limited to once every seven days; or once every seven days per irrigation station if a variance is granted by the Director of Public Services. (See Stage 2 exceptions to outdoor

watering restrictions in all water user's category for rules that apply to facilities with large multi-station irrigation systems.)

Exceptions:

- Golf courses may water greens and tee boxes as needed to keep them alive, however watering must be done before 10 a.m. and after 6 p.m. Fairways are restricted to once per week watering as outlined above. Golf course rough cannot be watered.
 - Watering for dust control on skinned areas of sports fields is not allowed.
- Eliminate non-essential water use. As used herein, non-essential water uses are those that do not have any health or safety impact and are not needed to meet the core function of the agency.
- Prohibit wet street sweeping.
- Notify wholesale customers of actions being taken and request them to implement the same drought stage and measures.

Commercial or Industrial

- All actions listed above for all water users apply to commercial and industrial users.
- Landscape watering of parks, golf courses, and sports fields is limited to once every seven days; or once every seven days per irrigation station if a variance is granted by the Director of Public Services. (See Stage 2 exceptions to outdoor watering restrictions in all water user's category for rules that apply to facilities with large multi-station irrigation systems.)

Exceptions:

- Golf courses may water greens and tee boxes as needed to keep them alive, however watering must be done before 10 a.m. and after 6 p.m. Fairways are restricted to once per week watering as outlined above. Golf course rough cannot be watered.
- Watering for dust control on skinned areas of sports fields is not allowed.
- Professional sports fields (playing fields with a stadium only – not surrounding landscaping) may be watered as needed to maintain league standards.

6.10 Stage 3, Water Emergency

6.10.1 Triggering and Termination Conditions for Stage 3, Water Emergency

- Total raw water supply in TRWD western and eastern division reservoirs drops below 45% (55% depleted) of conservation storage capacity.
- Water demand exceeds the amount that can be delivered to customers.

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- Water demand for all or part of the Azle delivery system approaches delivery capacity because delivery capacity is inadequate.
 - One or more of TRWD's water supply sources has become limited in availability.
 - Water demand is projected to approach the limit of permitted supply.
 - Supply source becomes contaminated.
 - Water supply system is unable to deliver water due to the failure or damage of major water system components.
 - The City Manager, with concurrence of the City Council, finds that conditions warrant the declaration of a Stage 3 drought.

Subject to preceding paragraphs regarding the Termination of a Drought Response stage, Stage 3, Water Emergency, will be terminated when the total combined raw water supply in TRWD's West Fork and East Texas reservoirs exceeds 60% of conservation storage or remains at or above 55% for 30 consecutive days, whichever occurs first.

6.10.2 Goals for Use Reduction and Actions Available under, Stage 3, Water Emergency

Goal – The goal for the Stage 3 water use restriction is a twenty percent (20%) reduction in system demand compared to system demand prior to implementation of Stage 1.

6.10.3 Action Available under, Stage 3, Water Emergency

All requirements of Stage 2 shall remain in effect during Stage 3:

The City Manager can order the implementation of any of the actions listed below, as deemed necessary. Measures imposing mandatory requirements on customers require notification to TCEQ. The City must notify TCEQ within five business days if these measures are implemented.

- Continue or initiate any actions available under Stages 1 and 2.
- Require customers (including indirect customers) to initiate Stage 3 in their drought contingency plans. Indirect customers include any wholesale customer of The City's primary wholesale customers.

All Water Users

- Prohibit all landscape watering, including at parks, golf courses, and sports fields.

Exceptions:

- Foundations may be watered for up to two hours on any day by handheld hose; or using a soaker hose or drip irrigation system placed within 24-inches of the foundation that does not produce a spray of water above the ground.

- Trees may be watered for up to two hours on any day by handheld hose, drip irrigation, or soaker hose. Tree watering is limited to an area not to exceed the drip line of a tree.
- Prohibit establishment of new landscaping.
- Vehicle washing restricted to commercial car wash or commercial service station and can only be done as necessary for health, sanitation, or safety reasons, including but not limited to the washing of garbage trucks and vehicles used to transport food and other perishables. All other vehicle washing is prohibited.
- Prohibit the operation of ornamental fountains or ponds that use potable water except where necessary to support aquatic life.
- Prohibit the draining, filling, or refilling of swimming pools, wading pools, and Jacuzzi type pools. Existing private and public pools may add water to maintain pool levels; however, they may not be refilled using automatic fill valves.

In addition to actions listed above the City and Local Government:

- Continue or initiate any actions available under Stages 1 and 2.
- Review conditions or problems that caused Stage 3. Take corrective action.
- Implement viable alternative water supply strategies.
- Increase frequency of media releases explaining emergency situation.
- Reduce city and local government water use to the maximum extent possible.
- Prohibit the permitting of new swimming pools, Jacuzzi type pools, spas, ornamental ponds, and fountain construction. Pools already permitted and under construction may be completely filled with water.
- Landscape watering at municipal parks, golf courses, and sports fields is prohibited.

Exceptions

- Golf course greens may be watered by hand as needed to keep them alive, however watering must be done before 10 a.m. and after 6 p.m.
- Institute a mandated reduction in deliveries to all customers. Such a reduction will be distributed as required by Texas Water Code §11.039.
- If the City has imposed a reduction in water available to customers, impose the same percentage reduction on wholesale customers.
- Notify wholesale customers of actions being taken and request them to implement the same drought stage and measures.

Commercial or Industrial

- All actions listed above for all water users apply to commercial and industrial users.
- Landscape watering at parks, golf courses, and sports fields is prohibited.

Exceptions

- Golf course greens may be watered by hand as needed to keep them alive, however watering must be done before 10 a.m. and after 6 p.m.
- Professional sports fields (playing fields with a stadium only – not surrounding landscaping) may be watered as needed to maintain league standards.
- Hotels, restaurants, and bars required to serve drinking water to patrons on an “on demand” basis.
- Hotels are required to implement laundry conservation measures by encouraging patrons to reuse linens and towels.
- Stock at commercial plant nursery may be watered only with a hand-held hose, hand-held watering can, or drip irrigation system.
- Commercial water users are required to reduce water use by a set percentage determined by the Director of Public Services.

6.11 Water Rationing

In the event that water shortage conditions threaten public health, safety, and welfare, the City Manager is hereby authorized to ration water according to the following water allocation plan:

6.11.1 Water Rationing, Single-Family Residential Customers

The allocation to residential water customers residing in a single-family dwelling shall be as follows:

Persons per Household	Gallons per Month
1 or 2	6,000
3 or 4	7,000
5 or 6	8,000
7 or 8	9,000
9 or 10	10,000
11 or more	12,000

“Household” means the residential premises served by the customer’s meter. “Persons per household” includes only those persons currently physically residing at the premises and expected to reside there for the entire billing period. It shall be assumed that a particular customer’s household is comprised of two (2) persons unless the customer notifies the City of Azle of a greater number of persons per household on a form prescribed by the City Manager. The City Manager shall make his/her best effort to see that such forms are mailed, otherwise provided, or made available to every residential customer. If, however, a customer does not receive such a form, it shall be the customer’s responsibility to go to the City of Azle

offices to complete and sign the form claiming more than two (2) persons per household. New customers may claim more persons per household at the time of applying for water service on the form prescribed by the City Manager. When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify the City of Azle on such form and the change will be implemented in the next practicable billing period. If the number of persons in a household is reduced, the customer shall notify the City of Azle in writing within two (2) days. In prescribing the method for claiming more than two (2) persons per household, the City Manager shall adopt methods to ensure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of persons in a household or fails to timely notify the City of Azle of a reduction in the number of persons in a household shall be fined not less than \$200.00. Residential water customers shall pay one- and one-half times the base rate for water used over the allocation limits.

6.11.2 Water Rationing, Master-Metered Multi-Family Residential Customers

The allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (e.g., apartments, mobile homes) shall be allocated 6,000 gallons per month for each dwelling unit. It shall be assumed that such a customer's meter serves two dwelling units unless the customer notifies the City of Azle of a greater number on a form prescribed by the City Manager. The City Manager shall make his/her best effort to see that such forms are mailed, otherwise provided, or made available to every such customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the City of Azle offices to complete and sign the form claiming more than two (2) dwelling units. A dwelling unit may be claimed under this provision whether it is occupied or not. New customers may claim more dwelling units at the time of applying for water service on the form prescribed by the City Manager. If the number of dwelling units served by a master meter is reduced, the customer shall notify the City of Azle in writing within two (2) days. In prescribing the method for claiming more than two (2) dwelling units, the City Manager shall adopt methods to ensure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter or fails to timely notify the City of Azle of a reduction in the number of persons in a household shall be fined not less than \$ 200.00. Customers billed from a master meter under this provision shall pay one- and one-half times the base rate for water used over the allocation limits.

6.11.3 Water Rationing, Commercial Customers

A monthly water usage allocation shall be established by the City Manager, or his/her designee, for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes. The non-residential customer's allocation shall be approximately 75% percent of the customer's usage for corresponding month's billing period for the previous 12 months. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists. The City Manager shall make his/her best effort to see that notice of each non-residential customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the

City of Azle to determine the allocation. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased if;

- The designated period does not accurately reflect the customer's normal water usage.
- One nonresidential customer agrees to transfer part of its allocation to another nonresidential customer.
- Other objective evidence demonstrates that the designated allocation is inaccurate under present conditions.

A customer may appeal an allocation established hereunder to the City Council. Nonresidential commercial customers shall pay one- and one-half times the base rate for water used over the allocation limits.

6.11.4 Water Rationing, Industrial Customers

A monthly water usage allocation shall be established by the City Manager, or his/her designee, for each industrial customer which uses water for processing purposes. The industrial customer's allocation shall be approximately 90% percent of the customer's water usage baseline. Ninety (90) days after the initial imposition of the allocation for industrial customers, the industrial customer's allocation shall be further reduced to 85% percent of the customer's water usage baseline. The industrial customer's water usage baseline will be computed on the average water usage for the 12-month period ending prior to the date of implementation of Stage 2 of the Plan. If the industrial water customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists. The City Manager shall make his/her best effort to see that notice of each industrial customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of Azle to determine the allocation, and the allocation shall be fully effective notwithstanding the lack of receipt of written notice. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased;

- If the designated period does not accurately reflect the customer's normal water usage because the customer had shut down a major processing unit for repair or overhaul during the period.
- The customer has added or is in the process of adding significant additional processing capacity.
- The customer has shut down or significantly reduced the production of a major processing unit.
- The customer has previously implemented significant permanent water conservation measures such that the ability to further reduce usage is limited.
- The customer agrees to transfer part of its allocation to another industrial customer.

- If other objective evidence demonstrates that the designated allocation is inaccurate under present conditions.

A customer may appeal an allocation established hereunder to the City Council. Industrial customers shall pay one- and one-half times the base rate for water used over the allocation limits.

6.12 Procedure for Granting Variances to the Plan

The City Manager may grant temporary variances for existing water uses otherwise prohibited under this Drought Contingency Plan to a customer if one or more of the following conditions are met:

- Failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person requesting the variance.
- Compliance with this plan cannot be accomplished due to technical or other limitations.
- Alternative methods that achieve the same level of reduction in water use can be implemented.

Variances shall be granted or denied at the discretion of the City Manager. All petitions for variances should be in writing and should include the following information:

- Name and address of petitioner(s).
- Purpose of water use.
- Specific provisions from which relief is requested.
- Detailed statement of the adverse effect of the provision from which relief is requested.
- Description of the relief requested.
- Period for which the variance is sought.
- Alternative measures will be taken to reduce water use.
- Other pertinent information.

6.13 Procedure for Enforcement of Mandatory Restrictions

- No person shall knowingly or intentionally allow the use of water from the City of Azle for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the City Manager, or his/her designee, in accordance with provisions of this Plan.
- Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than one hundred dollars (\$100.00) and not more than five

hundred dollars (\$500.00). Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the City Manager shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at \$500.00, and any other costs incurred by the City of Azle in discontinuing service. In addition, suitable assurance must be given to the City Manager that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.

- Any person, including a person classified as a water customer of the City of Azle, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.
- Any Azle Police Officer, or Code Enforcement Officer, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the municipal court on the date shown on the citation for which the date shall not be less than three (3) days nor more than five (5) days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over fourteen (14) years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.

6.14 Coordination with the Regional Water Planning Group

The City of Azle is located within the Region C water planning area. A copy of the Water Conservation and Drought Contingency Plan was given to the Chair of the Region C Water Planning Group (RCWPG) and Tarrant Regional Water District (TRWD).

The City's Water Conservation and Drought Contingency Plan generally mirrors TRWD's plan; therefore, the City will respond appropriately to reductions in the TRWD water supply.

6.15 Review and Update of Drought Contingency Plan

As required by TCEQ rules, the City of Azle will review this Drought Contingency Plan every five years, beginning in 2011. The plan will be updated as appropriate based on new or updated information. As the plan is reviewed and subsequently updated, a copy of the revised Drought Contingency Plan will be submitted to the TCEQ, TRWD and the RCWPG for their records.

6.16 Supplemental Information

The guidelines for a Water Conservation Plan require an entity to set 5 and 10 year goals for water conservation. The goals, which are non-enforceable, must be in a measurable form of gpcd (gallons per capita per day) usage. The setting of the goals should be based on identifying water conservation strategies that the City of Azle can successfully implement and assigning an anticipated water savings value to the strategy.

- **Schedule for implementing the plan**

1. The City of Azle tests for inaccurate meters and has a replacement plan for water meters over 10 years old. The 5-year goal is to have 50% of all meters reading +/- 5% accurate and 100% at this level of efficiency in 10 years.
2. Regular in-house water audits will be conducted annually with immediate steps taken to correct identified losses.
3. The City will work to identify and replace aged infrastructure which hinders efficiency through line loss and corrosion, both on the supply and distribution systems. Our 5-year goal is to replace 1 mile of depreciated line and related infrastructure and 2 miles within 10 years.
4. The City will conduct educational and informational programs for distribution to all customers related to freshwater issues, encouraging conservation and increased efficiency for consumption. This will be completed by use of the City web site and the quarterly newsletter.

- **Method of tracking and implementing the plan to achieve target and goals**

1. The City's record management system allows for the ability to monitor on a daily reporting system: water levels, water pumped, treated, and released this system allows for the review of information for weekly, monthly, and annual data.
2. The City will maintain logs and records for meter testing, calibration, and replacement, and for visual inspections of main fittings and connections.
3. Records will be maintained relating to replacement of meters, line and leak repair, and construction of new infrastructure.



Presenter: Jennifer Walls, Purchasing Agent

Agenda Item: Consider any action authorizing the City Manager to execute an interlocal cooperative purchasing agreement with the City of Grand Prairie.

Background and Explanation:

Chapter 791 of the *Texas Government Code*, also known as the Interlocal Cooperation Act, and Chapter 271.102 of the *Texas Local Government Code* authorize all local governments to contract with each other to perform governmental functions or services, including administrative functions normally associated with the operation of government, such as purchasing of necessary equipment, supplies and services.

The City and the City of Grand Prairie desire to enter into an interlocal agreement that would authorize each to utilize current and future contracts awarded by the other entity. The Government Code is designated to allow government entities to utilize contracts for products and services that have already gone through the bidding process, thereby meeting all State and City purchasing requirements. It is at no charge to any participating entity, and can be a valuable resource. In addition, it will strengthen the purchasing power of all participating entities, thereby reducing costs.

Board/Commission/Committee Recommendation:

N/A.

Staff Recommendation:

Staff recommends authorizing the City Manager to execute the interlocal agreement.

Attachments:

1. Master Interlocal Agreement - Grand Prairie

**MASTER INTERLOCAL COOPERATIVE PURCHASING AGREEMENT
BETWEEN THE CITY OF GRAND PRAIRIE
AND CITY OF AZLE**

WHEREAS, Chapter 791 of the Texas Government Code, also known as the Interlocal Cooperation Act, and Chapter 271.102 of the Texas Local Government Code authorize all local governments to contract with each other to perform governmental functions or services including administrative functions normally associated with the operation of government such as purchasing of necessary equipment, supplies and services;

WHEREAS, The City of Grand Prairie (the “City”) and City of Azle (“Azle”) desire to enter into this Agreement for the purpose of fulfilling and implementing their respective public and governmental purposes, needs, objectives, programs and services;

WHEREAS, The City and (“Azle”) represent that each are independently authorized to perform the functions or services contemplated by this Agreement;

WHEREAS, it is deemed in the best interest of all participating governments that said governments do enter into a mutually satisfactory agreement for the purchase of necessary equipment, supplies, and services;

WHEREAS, the participating governments are of the opinion that cooperation in the purchasing of equipment, supplies, services and auctions will be beneficial to the taxpayers of the governments through the efficiencies and potential savings to be realized; and

WHEREAS, each party has sufficient resources to perform the functions contemplated by this Agreement;

NOW THEREFORE, the parties hereto, in consideration of the mutual covenants and conditions contained herein, promise and agree as to each of the other as follows:

1. The City and (“Azle”) are authorized to participate in each other’s current and/or future contracts for goods and services. Said contracts shall have been established in accordance with all appropriate procedures governing competitive bids and competitive proposals, if required.
2. The City and (“Azle”) agree that the ordering of goods and services is the responsibility of the local government seeking to obtain such goods and services under the established contract, and that participating government shall deal directly with the vendor in obtaining the goods and services and payment therefore. The participating government shall be liable to the vendor only for goods and services ordered and received by it, and shall not, by the execution of this Agreement, assume any additional liability. Neither the City nor (“Azle”) warrants, or is responsible for, the quality or delivery of goods or services from the vendor under contract. Should a dispute arise between a participating government and a vendor, the same shall be handled by and between that participating government and the vendor.

3. Each government shall pay invoices directly to the providers of goods and services that are invoiced and delivered directly to each respective government.
4. Participation of either government in any cooperative purchasing activity is strictly voluntary. Nothing in this Agreement shall prevent either governments from purchasing and/or accepting and awarding bids, proposals and contracts subject to this Agreement on its own behalf.
5. Each government shall ensure that all applicable laws and ordinances have been satisfied.
6. **Effective Date and Term.** This Agreement shall be effective when the last party signing causes the Agreement to be fully executed and will remain in full force and effect indefinitely. Any party may modify and/or terminate this Agreement in accordance with Paragraphs 7 and 8, respectively.
7. **Modification.** The terms and conditions of this Agreement may be modified upon the mutual consent of all parties. Mutual consent will be demonstrated by approval of the governing body of each party hereto. No modification to this Agreement shall be effective and binding unless and until it is reduced to writing and signed by duly authorized representatives of all parties.
8. **Termination.** This Agreement may be terminated at any time by the City or (“Azle”), with or without cause, upon thirty (30) days written notice to the other party in accordance with Paragraph 11 herein.
9. **Hold Harmless.** To the extent allowed by law, the City and (“Azle”) agree to hold each other harmless from and against any and all claims, losses, damages, causes of action, suits and liabilities of every kind, including all expenses of litigation, court costs and attorney’s fees, for injury or death of any person, for damage to any property, or for any breach of contract, arising out of or in connection with the work done under this Agreement.
10. **Invalidity.** If any provision of this Agreement shall be held to be invalid, illegal, or unenforceable by a court or other tribunal of competent jurisdiction, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby. The parties shall use their best efforts to replace the respective provision or provisions of this Agreement with legal terms and conditions approximating the original intent of the parties.
11. **Written Notice.** Unless otherwise specified, written notice shall be deemed to have been duly served if delivered in person, sent by email, by fax with successful send confirmation, or by certified mail to the last business address as listed herein.

City of Grand Prairie:

Purchasing Division
Attn: Purchasing Manager
City of Grand Prairie
300 W. Main St.
PO Box 534045
Grand Prairie, TX 75050
Phone: (972) 237-8269
Fax: (972) 237-8265
purchasingfax@gptx.org

City of Azle:

Purchasing Department
Attn: Jennifer Walls
City of Azle
P.O. Box 1378
Azle, TX 76098
Phone: 817-444-7003
Fax: 817-444-7149
jwalls@cityofazle.org

12. **Entire Agreement.** It is understood that this Agreement contains the entire agreement between the parties and supercedes any and all prior agreements, arrangements, or understandings between the parties relating to the subject matter. No oral understandings, statements, promises, or inducements contrary to the terms of this Agreement exist. This Agreement cannot be changed or terminated orally. No verbal agreement or conversation with any officer, agent, or employee of any party before or after the execution of this Agreement shall affect or modify any of the terms or obligations hereunder.
13. **Amendment.** No Amendment to this Agreement shall be effective and binding unless and until it is reduced to writing and signed by duly authorized representatives of both parties.
14. **Texas Law.** This Agreement has been made under and shall be governed by the laws of the State of Texas.
15. **Place of Performance.** Performance and all matters related thereto shall be in the County of the government originating the bid. This shall be Parker County, Texas, United States of America for City of Azle and shall be Dallas County, Texas, United States of America for the City.
16. **Authority to Enter Contract.** Each party has the full power and authority to enter into and perform this Agreement and the person signing this Agreement on behalf of each party has been properly authorized and empowered to enter into this Agreement. The persons executing this Agreement hereby represent that they have authorization to sign on behalf of their respective Government.
17. **Waiver.** Failure of any party, at any time, to enforce a provision of this Agreement, shall in no way constitute a waiver of that provision, nor in

anyway affect the validity of this Agreement, any part hereof, or the right of either party thereafter to enforce each and every provision hereof. No term of this Agreement shall be deemed waived or breach excused unless the waiver shall be in writing and signed by the party claimed to have waived. Furthermore, any consent to or waiver of a breach will not constitute consent to or waiver of or excuse of any other different or subsequent breach.

18. **Agreement Read.** The parties acknowledge that they understand and intend to be bound by the terms and conditions of this Agreement.
19. **Multiple Originals.** It is understood and agreed that this Agreement may be executed in multiple counterparts, each of which shall be deemed an original for all purposes.

CITY OF GRAND PRAIRIE

CITY OF AZLE

BY: _____
Deputy City Manager

BY: _____
Tom Muir, City Manager

DATE: _____

ATTEST: _____
Mona Lisa Galicia, City Secretary

ATTEST: _____
Yael Forgey, City Secretary

DATE: _____

APPROVED AS TO FORM:

Megan Mahan, City Attorney



Presenter: Martin Avila, Finance Director

Agenda Item: Discussion and consideration of all matters incident and related to approving and authorizing publication of notice of intention to issue certificates of obligation, including the adoption of Resolution No. 2024-06 pertaining thereto.

Background and Explanation:

Discussion and consideration of all matters incident and related to approving and authorizing publication of notice of intent to issue certificates of obligation not to exceed six million dollars (\$6,000,000), including the adoption of Resolution No.2024-06 pertaining thereto for the purpose of (i) constructing and improving streets, including drainage, landscaping, curbs, gutters, sidewalks, entryways, pedestrian pathways, signage and traffic signalization and the acquisition of land and rights-of-way therefor, (ii) improving and extending the City's combined waterworks and sewer system, including the acquisition of land and rights-of-way therefore, (iii) constructing, improving and equipping animal shelter facilities, (iv) constructing, improving and equipping an administrative office building housing the City's fleet maintenance facilities and (v) professional services rendered in connection with the certificates.

Board/Commission/Committee Recommendation:

N/A.

Staff Recommendation:

Staff recommends approval of adoption of a resolution and authorizing publication of notice of intent to issue certificates of obligation not to exceed \$6,000,000.

Attachments:

1. 2024-06_AZLE CO 2023 - Intent Resolution

RESOLUTION NO. 2024-06

A RESOLUTION Approving and Authorizing Publication of Notice of Intention to Issue Certificates of Obligation.

WHEREAS, the City Council of the City of Azle, Texas (the "City"), has determined that certificates of obligation should be issued under and pursuant to the provisions of Texas Local Government Code, Subchapter C of Chapter 271, as amended, for the purpose of paying contractual obligations to be incurred for: (i) constructing and improving streets, including drainage, landscaping, curbs, gutters, sidewalks, entryways, pedestrian pathways, signage and traffic signalization and the acquisition of land and rights-of-way therefor, (ii) improving and extending the City's combined waterworks and sewer system, including the acquisition of land and rights-of-way therefor, (iii) constructing, improving and equipping animal shelter facilities, (iv) constructing, improving and equipping an administrative office building housing the City's fleet maintenance facilities and (v) professional services rendered in connection therewith; and

WHEREAS, prior to the issuance of such certificates, the City Council is required to publish notice of its intention to issue the same in a newspaper of general circulation in the City and on the City's website, said notice stating (i) the time and place the Council tentatively proposes to pass the ordinance authorizing the issuance of the certificates, (ii) the maximum amount proposed to be issued, (iii) the purposes for which the certificates are to be issued and (iv) the manner in which the Council proposes to pay the certificates; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AZLE, TEXAS:

SECTION 1: That the City Secretary is hereby authorized and directed to cause notice to be published of the Council's intention to issue certificates of obligation in one or more series in the principal amount not to exceed the amount set forth in **Exhibit A** attached hereto for the purpose of paying contractual obligations to be incurred for: (i) constructing and improving streets, including drainage, landscaping, curbs, gutters, sidewalks, entryways, pedestrian pathways, signage and traffic signalization and the acquisition of land and rights-of-way therefor, (ii) improving and extending the City's combined waterworks and sewer system, including the acquisition of land and rights-of-way therefor, (iii) constructing, improving and equipping animal shelter facilities, (iv) constructing, improving and equipping an administrative office building housing the City's fleet maintenance facilities and (v) professional services rendered in connection therewith; and; such certificates to be payable from ad valorem taxes and a limited pledge of the net revenues of the City's combined Waterworks and Sewer System. The notice hereby approved and authorized to be published shall read substantially in the form and content of **Exhibit A** hereto attached and incorporated herein by reference as a part of this resolution for all purposes.

SECTION 2: That the City Secretary shall cause the aforesaid notice to be (i) published in a newspaper of general circulation in the City, once a week for two consecutive weeks, the date of the first publication to be at least forty-six (46) days prior to the date stated therein for the passage of the ordinance authorizing the issuance of the certificates of obligation and (ii) posted continuously on the City's website for at least forty-five (45) days before the date stated therein for the passage of the ordinance authorizing the issuance of the certificates of obligation.

SECTION 3: It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Texas Government Code, Chapter 551, as amended.

SECTION 4: This Resolution shall be in force and effect from and after its passage on the date shown below.

PASSED AND ADOPTED, this April 2, 2024.

CITY OF AZLE, TEXAS

Alan Brundrett, Mayor

ATTEST:

Yael Forgey, City Secretary

(City Seal)

EXHIBIT A

CITY OF AZLE, TEXAS NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION

TAKE NOTICE that the City Council of the City of Azle, Texas, shall convene at 6:00 p.m. on June 4, 2024, in City Hall located at 505 W. Main Street, Azle, Texas, and, during such meeting, the City Council will consider the passage of one or more ordinances authorizing the issuance of certificates of obligation in one or more series, in a principal amount not to exceed SIX MILLION DOLLARS (\$6,000,000) for the purpose of paying contractual obligations to be incurred for: (i) constructing and improving streets, including drainage, landscaping, curbs, gutters, sidewalks, entryways, pedestrian pathways, signage and traffic signalization and the acquisition of land and rights-of-way therefor, (ii) improving and extending the City's combined waterworks and sewer system, including the acquisition of land and rights-of-way therefor, (iii) constructing, improving and equipping animal shelter facilities, (iv) constructing, improving and equipping an administrative office building housing the City's fleet maintenance facilities and (v) professional services rendered in connection therewith; and; such certificates to be payable from ad valorem taxes and a limited pledge of the net revenues of the City's combined waterworks and sewer system. In accordance with Texas Local Government Code Section 271.049, (i) the current principal amount of all of the City's outstanding public securities secured by and payable from ad valorem taxes is \$16,475,000; (ii) the current combined principal and interest required to pay all of the City's outstanding public securities secured by and payable from ad valorem taxes on time and in full is \$19,230,880; (iii) the estimated combined principal and interest required to pay the certificates of obligation to be authorized on time and in full is \$9,126,885; (iv) the maximum interest rate for the certificates may not exceed the maximum legal interest rate; and (v) the maximum maturity date of the certificates to be authorized is February 15, 2044. The certificates are to be issued, and this notice is given, pursuant to the provisions of Texas Local Government Code, Subchapter C of Chapter 271, as amended.

City Secretary
City of Azle, Texas



Presenter:	David Hawkins, Director of Planning and Development
Agenda Item:	Conduct a public hearing and consider any action on Ordinance No. 2024-10 regarding text amendments to Chapter 14 “Zoning Ordinance” of the Code of Ordinances, City of Azle, Texas. The purpose of the text amendment is to consider amendments to the minimum requirements for Planned Development (PD) Districts.

Background and Explanation:

On February 20, 2024, City Council directed Staff to proceed with amendments to the requirements for Planned Development (PD) Districts. Per the Zoning Ordinance, Planned Developments are *"intended to provide for combining and mixing of uses allowed in various districts with appropriate regulations, and to permit growth flexibility in the use and design of land and buildings in situations where modification of specific provisions of this ordinance is not contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the neighborhood. A PD district may be used to permit new and innovative concepts in land utilization."*

Currently, the minimum acreage for a PD district request is two (2) acres for nonresidential development and five (5) acres for residential development. City Council would like to see this be amended to remove the minimum acreage requirement for a nonresidential planned development to allow for more flexible development opportunities.

Current Text Language:

Zoning Ordinance - Section 24: PD, Planned Development states the following:

24.3 DEVELOPMENT REQUIREMENTS.

- A. Development requirements for each separate PD district shall be set forth in the ordinance granting the PD district and may include but not be limited to uses, density, lot area, lot width, lot depth, yard depths and widths, building size, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, management associations, and other requirements as the City Council and Planning and Zoning Commission may deem appropriate.
- B. In the PD district, if uses conform to the standards and regulations of the zoning district to which it is most similar, the particular district must be stated in the application. All applications to the city shall list all requested variances from the standard requirements set forth throughout this ordinance (applications without this list will be considered incomplete).
- C. The PD district shall conform to all other sections of the ordinance unless specifically excluded in the granting ordinance.
- D. The minimum acreage for a PD district request shall be two (2) acres for nonresidential development and five (5) acres for residential development.
- E. For multifamily uses a common open space shall be designated for the leisure and recreational use of the occupants. The open space shall be a minimum of 10% of the total land area devoted to

the multifamily use. This requirement may be varied downward by the City Council when a lesser amount of open space would be more appropriate based on the density of the development, the installation of private recreational amenities, or where the availability and nature of adjacent public open space is such that a lesser amount would adequately accommodate the development.

Proposed Text Amendment:

Zoning Ordinance - Section 24: PD, Planned Development states the following:

24.3 DEVELOPMENT REQUIREMENTS.

A. Development requirements for each separate PD district shall be set forth in the ordinance granting the PD district and may include but not be limited to uses, density, lot area, lot width, lot depth, yard depths and widths, building size, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, management associations, and other requirements as the City Council and Planning and Zoning Commission may deem appropriate.

B. In the PD district, if uses conform to the standards and regulations of the zoning district to which it is most similar, the particular district must be stated in the application. All applications to the city shall list all requested variances from the standard requirements set forth throughout this ordinance (applications without this list will be considered incomplete).

C. The PD district shall conform to all other sections of the ordinance unless specifically excluded in the granting ordinance.

D. The minimum acreage for a PD district request shall be **zero (0) two (2) acres for nonresidential development and five (5) acres for residential development.**

E. For multifamily uses a common open space shall be designated for the leisure and recreational use of the occupants. The open space shall be a minimum of 10% of the total land area devoted to the multifamily use. This requirement may be varied downward by the City Council when a lesser amount of open space would be more appropriate based on the density of the development, the installation of private recreational amenities, or where the availability and nature of adjacent public open space is such that a lesser amount would adequately accommodate the development.

Board/Commission/Committee Recommendation:

On March 21, 2024, the P & Z Commission conducted a public hearing and recommended approval of the proposed amendments to the Planned Development (PD) District standards as presented. The motion carried unanimously by a vote of 5-0 (Commissioners Arneson and Carlson were absent).

Staff Recommendation:

Staff forwards this proposed code amendment for City Council consideration. Staff has provided a benchmark of surrounding cities in the DFW Metroplex that have Planned Development (PD) standards for comparison.

Attachments:

1. Ordinance No. 2024-10
2. PD Standards Comparison Spreadsheet - 3.21.2024
3. Section 24 - Planned Development Districts

ORDINANCE NO. 2024-10

AN ORDINANCE OF THE CITY OF AZLE, TEXAS, AMENDING SECTION 24, "PD, PLANNED DEVELOPMENT DISTRICT" OF EXHIBIT A, "ZONING ORDINANCE" OF CHAPTER 14, "ZONING" OF THE CODE OF ORDINANCES, CITY OF AZLE, TEXAS, TO AMEND DEVELOPMENT STANDARDS FOR PLANNED DEVELOPMENT (PD) DISTRICTS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Azle is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of Azle heretofore adopted the Zoning Ordinance of the City, codified in Chapter 14 of the City Code, which Ordinance regulates and restricts the location and use of buildings, structures and land for trade, industry, residence and other purposes, and provides for the establishment of zoning districts of such number, shape and area as may be best suited to carry out these regulations; and

WHEREAS, the Planning and Zoning Commission of the City of Azle, Texas held a public hearing on March 21, 2024, and the City Council of the City of Azle, Texas held a public hearing on April 2, 2024, with respect to the zoning ordinance and changes described herein; and

WHEREAS, the Planning & Zoning Commission and the City Council of the City of Azle, in compliance with the laws of the State of Texas and the ordinances of the City of Azle, have given requisite notice of publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and in the exercise of its legislative discretion have concluded that the Comprehensive Zoning Ordinance should be amended as described herein.

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

SECTION 1.

Section 24, "PD, Planned Development Districts" of Exhibit A, "Zoning Ordinance" of Chapter 14, "Zoning" shall be amended to amend subsection 24.3 (D) "Development Requirements" to read as follows:

"D. The minimum acreage for a PD district request shall be zero (0) acres for nonresidential development and five (5) acres for residential development."

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances, City of Azle, Texas, as amended, except where the provisions are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

Any person, firm or corporation who violates, disobeys, omits, neglects, refuses or fails to comply with, or who resists the enforcement of any provision of this ordinance shall be fined not more than Five Hundred dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 5.

All rights and remedies of the City of Azle are expressly saved as to any and all violations of the provisions of the Code of Ordinances, City of Azle, Texas, as amended, which have accrued at the time of the effective date of this ordinance; and, as such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, shall not be affected by this ordinance but may be prosecuted until final disposition by the court.

SECTION 6.

This ordinance shall be in full force and effect from and after its passage as provided by law, and it is so ordained.

AND IT IS SO ORDAINED.

DULY PASSED AND APPROVED by the City Council of the City of Azle, Texas, on April 2, 2024.

Mayor, Alan Brundrett

ATTEST:

Yael Forgey, City Secretary

APPROVED AS TO FORM:

Andrea Russell, City Attorney

Acreage Standards for PD Zoning Designations in Comparison Cities

3.21.2024

Column1	Minimum required for non-residential	Minimum required for residential	Minimum required regardless of use type	Ordinance
Azle	2 acres	5 acres		https://ecode360.com/39138449#39138449
Fort Worth	no minimum	no minimum		https://codeoflibrary.amlegal.com/codes/ftworth/latest/ftworth_tx/0-0-0-33679#JD_App.ACh.4Art.3
Keller			1 acre	https://library.municode.com/tx/keller/codes/code_of_ordinances?nodeId=PTIIJUNDECO_ARTEIGHTZODI_S8_27PLADE
North Richland Hills	3 acres	10 acres		https://library.municode.com/tx/north_richland_hills/codes/building_and_land_use_regulations?nodeId=PTIICOOR_CH118ZO_ARTIVDI_DIV11PDPLDEDI
Roanoke	see below	see below		https://library.municode.com/tx/roanoke/codes/code_of_ordinances?nodeId=PTIICOOR_CH12CIOTECOZOOR_ARTIVOVSPDI_DIV2PDPLDEOVDI_S12_622PLDERE
Southlake	5 acres	1 acre		https://library.municode.com/tx/southlake/codes/development_ordinances?nodeId=Section%2030%20-%20PUD%20Planned%20Unit%20Development%20District
Weatherford	no minimum	no minimum		https://library.municode.com/tx/weatherford/codes/code_of_ordinances?nodeId=COOR_TITXIIZOOR_CH3ZODI_S12-3-500PDPLDE
Arlington	no minimum	no minimum		https://cdnsms5-hosted.civiclive.com/UserFiles/Servers/Server_14481062/File/City%20Hall/Depts/City%20Secretary/City_Code_of_Ordinances/UDCChapter.pdf
Colleyville	no minimum*	no minimum*		https://library.municode.com/tx/colleyville/codes/code_of_ordinances?nodeId=PTIICOOR_APXBLADECO_CH3LAUS_S3_23PUPLUNDE
				* https://www.colleyville.com/home/showpublisheddocument/9744/637964386040930000
Grapevine	see below	see below		https://library.municode.com/tx/grapevine/codes/code_of_ordinances?nodeId=PTIICOOR_APXDZORDNO82-73_S41PDPLDEOV
Denton	no minimum	no minimum		https://library.municode.com/tx/denton/codes/development_code?nodeId=CITY_DENTONDECO_SUBCHAPTER_3ZODI
Flower Mound	no minimum	no minimum		https://library.municode.com/tx/flower_mound/codes/code_of_ordinances?nodeId=SPBLADERE_CH98ZO_ARTIIIDIRE_DIV21PDPLDEDI
Westlake	no minimum	no minimum		https://library.municode.com/tx/westlake/codes/code_of_ordinances?nodeId=COOR_CH102ZO_ARTVIPLDERE
Saginaw	no minimum	no minimum		https://library.municode.com/tx/saginaw/codes/code_of_ordinances?nodeId=CICO_APXAZO_ART7SPDI_S7-1PDPLDEDI
Argyle	see below	see below		https://library.municode.com/tx/argyle/codes/development_standards?nodeId=ARTIIIZO

Roanoke:

- (1)Residential Development (SF, SFA): Twenty (20) contiguous acres
- (2)Multi-Family Development (MF-12 or MH): Ten (10) contiguous acres
- (3)Nonresidential Development (O, R, LC, BP, HI): Ten (10) contiguous acres
- (4)Mixed Use (residential and nonresidential): Fifty (50) contiguous acres

Grapevine:

PRD-6	Planned Residential Low Density District	minimum 25 contiguous acres	https://www.grapevinetexas.gov/DocumentCenter/View/283/Section-34---PRD-6?bidId=
PRD-12	Planned Residential Medium Density District	minimum 15 contiguous acres A Master Development Plan shall not be approved unless the total site contains not less than twenty-five (25) contiguous acres of gross area, provided, however, the Planning and Zoning Commission may recommend and the City Council may approve a PCD Master Development Plan for a site containing less than twenty-five (25) acres if they find that unusual or unique characteristics of the site or its vicinity make development pursuant to a Master Development Plan advisable and if the proposed development of the site is consistent with the purpose and intent of this section.	https://www.grapevinetexas.gov/DocumentCenter/View/284/Section-35---PRD-12?bidId=
PCD	Planned Commerce Development District	STANDARD DEVELOPMENT OPTION: Any use permitted in the LI-Light Industrial District shall be permitted as a matter of right within a PID District. In the event the standard development option is chosen by the landowner, all development shall be regulated by the criteria established in Section 31 for the LI-Light Industrial District except that the minimum lot size shall be not less than three (3) acres.	https://www.grapevinetexas.gov/DocumentCenter/View/285/Section-36---PCD?bidId=
PID	Planned Industrial Development District	MINIMUM PARCEL SIZE: A Master Development Plan shall not be approved unless the total site contains not less than twenty (20) acres of gross area, provided, however, the Planning and Zoning Commission may recommend and the City Council may approve a PID Master Development Plan for a site containing less than twenty (20) contiguous acres if they find that unusual or unique characteristics of the site or its vicinity make development pursuant to a Master Development Plan advisable and if the proposed development of the site is consistent with the purpose and intent of this Section	https://www.grapevinetexas.gov/DocumentCenter/View/286/Section-37---PID?bidId=

Argyle:

- Single-Family and Two-Family Development: 20 contiguous acres.
- Multifamily Development: 10 contiguous acres.
- Nonresidential Development: 10 contiguous acres.
- Large Commercial/Mixed-Use PD: 85 acres

Exhibit 14A. Zoning Ordinance

SECTION 24. PD, PLANNED DEVELOPMENT DISTRICT

§ 24.1. INTENT.

The planned development district, PD, is intended to provide for combining and mixing of uses allowed in various districts with appropriate regulations, and to permit growth flexibility in the use and design of land and buildings in situations where modification of specific provisions of this ordinance is not contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the neighborhood. A PD district may be used to permit new and innovative concepts in land utilization.

While great flexibility is given to provide special restrictions which will allow development not otherwise permitted, procedures are established herein to ensure against misuse of the increased flexibility.

(Ordinance 2013-09, ex. A, adopted 5/7/13)

§ 24.2. PERMITTED USES.

Any use shall be permitted if such use is specified in the ordinance granting a planned development district. The size, location, appearance, and method of operation may be specified to the extent necessary to ensure compliance with the purpose of this ordinance.

(Ordinance 2013-09, ex. A, adopted 5/7/13)

§ 24.3. DEVELOPMENT REQUIREMENTS.

- A. Development requirements for each separate PD district shall be set forth in the ordinance granting the PD district and may include but not be limited to uses, density, lot area, lot width, lot depth, yard depths and widths, building size, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, management associations, and other requirements as the City Council and Planning and Zoning Commission may deem appropriate.
- B. In the PD district, if uses conform to the standards and regulations of the zoning district to which it is most similar, the particular district must be stated in the application. All applications to the city shall list all requested variances from the standard requirements set forth throughout this ordinance (applications without this list will be considered incomplete).
- C. The PD district shall conform to all other sections of the ordinance unless specifically excluded in the granting ordinance.
- D. The minimum acreage for a PD district request shall be two (2) acres for nonresidential development and five (5) acres for residential development.

- E. For multifamily uses a common open space shall be designated for the leisure and recreational use of the occupants. The open space shall be a minimum of 10% of the total land area devoted to the multifamily use. This requirement may be varied downward by the City Council when a lesser amount of open space would be more appropriate based on the density of the development, the installation of private recreational amenities, or where the availability and nature of adjacent public open space is such that a lesser amount would adequately accommodate the development.

(Ordinance 2013-09, ex. A, adopted 5/7/13)

§ 24.4. APPROVAL PROCESS.

In establishing a PD district in accordance with this section, the City Council shall approve and file, as part of the amending ordinance, appropriate plans and standards for each PD district. During the review and public hearing process, the Planning and Zoning Commission and City Council shall require a conceptual plan and/or a detail site plan.

- A. Conceptual Plan: This plan shall be submitted by the applicant. The plan shall show the applicant's intent for the use of the land within the proposed PD district in a graphic manner and as may be required, supported by written documentation of proposals and standards for development.
1. A conceptual plan for residential land use shall show general use, thoroughfares, and preliminary lot arrangements. For residential development which does not propose platted lots, the conceptual plan shall set forth the size, type and location of buildings and building sites, access, density, building height, fire lanes, screening, parking areas, landscaped areas, and other pertinent development data.
 2. A conceptual plan for uses other than residential uses shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. Data which may be submitted by the applicant, or required by the Planning and Zoning Commission or City Council, may include but is not limited to the types of use(s), topography and boundary of PD area, physical features of the site, existing streets, alleys, and easements, location of future public facilities, building height and location, parking ratios, and other information to adequately describe the proposed development and to provide data for approval which is to be used in drafting the final detailed plan.
- B. Detailed Site Plan: This plan shall set forth the final plans for development of the PD district and shall conform to the data presented and approved on the conceptual plan. Approval of the detailed plan shall be the basis for issuance of a building permit. The detailed plan may be submitted for the total area of the PD or for any section or part as approved on the conceptual plan. The detailed plan must be approved by the City Council upon recommendation of the Planning and Zoning Commission.

The detailed site plan shall include:

1. A site inventory analysis including a scale drawing showing existing vegetation, natural watercourses, creeks or bodies of water, and an analysis of planned changes in such natural features as a result of the development. This should include a delineation of any flood-prone areas.
2. A scale drawing showing any proposed public or private streets and alleys, building sites or lots, and areas reserved as parks, parkways, playgrounds, utility easements, school sites, street widening and street changes, the points of ingress and egress from existing streets, general location and description of existing and proposed utility services including size of water and sewer mains, the location and width for all curb cuts, and the land area of all abutting sites and the zoning classification thereof on an accurate survey of the tract.
3. A site plan for proposed building complexes showing the location of separate buildings and the minimum distance between buildings, and between buildings and property lines, street lines

and alley lines. Also to be included on the site plan is a plan showing the arrangement and provision of off-street parking.

4. A landscape plan showing screening walls, ornamental planting, wooded areas, and trees to be planted.
5. An architectural plan showing elevations and signage style to be used throughout the development in all districts except single-family and two-family may be required by the Planning and Zoning Commission or City Council, if deemed appropriate.
6. Any or all of the required information may be incorporated on a single drawing if one (1) drawing is clear and can be evaluated by the city manager or his designated representatives.
7. Supplemental data. All concept or detail site plans may have supplemental data describing standards, schedules, or other data pertinent to the development of the PD district which is to be included in the text of the amending ordinance. Additional information needed to adequately analyze the development may be required by planning staff, the Planning and Zoning Commission or the City Council.

(Ordinance 2013-09, ex. A, adopted 5/7/13)

§ 24.5. ESTABLISHMENT OF DISTRICT.

Procedure for establishing a PD district shall follow the procedure for zoning amendments as set forth in the code of ordinances. This procedure is further expanded as follows for approval of conceptual and development plans.

- A. Separate public hearings shall be held by the Planning and Zoning Commission and City Council for the approval of the conceptual plan and the detailed plan or any section of the detailed plan unless such requirement is waived by the City Council when it is determined a single public hearing is adequate. A single public hearing is adequate when:
 1. The applicant submits adequate data with the request for the PD district to fulfill the requirements for both plans.
 2. Information on the concept plan is sufficient to determine the appropriate use of the land and the detail site plan will not deviate substantially from this plan.
 3. The requirement is waived at the time the amending ordinance is approved. If the requirement is waived, the conditions shall be specifically stated in the amending ordinance.
- B. The ordinance establishing the PD district shall not be approved until the conceptual plan is approved unless the conceptual plan step is bypassed.
 1. The detailed plan may be approved in sections. When the plan is approved in sections, then separate approvals by the Planning and Zoning Commission and City Council for the initial and subsequent sections will be required. If the detailed plan is approved in phases a conceptual plan for the entire site shall be approved by the City Council upon recommendation of the Planning and Zoning Commission.

(Ordinance 2013-09, ex. A, adopted 5/7/13)

§ 24.6. STAFF REPORT.

When a PD district is being considered, a written staff report shall be submitted to the Planning and Zoning Commission and City Council discussing the impact on planning, engineering, water utilities, electric, sanitation, building inspection, tax, police, fire, and traffic.

(Ordinance 2013-09, ex. A, adopted 5/7/13)

§ 24.7. ZONING MAP.

All PD districts approved in accordance with the provisions of this ordinance in its original form, or by subsequent amendments thereto, shall be referenced on the zoning district map, and a list of such PD districts, shall be maintained in the appendix of this ordinance.

(Ordinance 2013-09, ex. A, adopted 5/7/13)

§ 24.8. MINOR AMENDMENTS TO A DETAILED PLAN.

Upon request of the applicant, the city manager or his designee may authorize minor amendments to a detail plan so long as such minor amendments do not change the land use or substantially change the character, development standards, or design of the development as shown on the approved detailed plan. For purposes of this provision, a “substantial change” shall mean a change which will increase the number of proposed dwelling units, increase the floor to area ratio, size of structure, height, lot coverage, or number of stories or buildings, reduce lot, yard, or space size, decrease the amount of required off-street parking spaces, change types of buildings, setback, street access points, or lots, or increase density, change traffic patterns, or alter the basic relationship of the proposed development to adjacent properties. The city manager or his designee shall make such authorization only in writing and such document shall be placed in the ordinance file governing the specific plan.

(Ordinance 2013-09, ex. A, adopted 5/7/13)

§ 24.9. PLANNED DEVELOPMENT ORDINANCES CONTINUED.

Prior to adoption of this ordinance, the City Council had established various PD districts, some of which are to be continued in full force and effect. The ordinances or parts of ordinances approved prior to this ordinance shall be carried forth in full force and effect and are the conditions, restrictions, regulations, and requirements which apply to the respective PD districts shown on the zoning map at the date of adoption of this ordinance

(Ordinance 2013-09, ex. A, adopted 5/7/13)



Presenter: David Hawkins, Director of Planning and Development

Agenda Item: Conduct a public hearing and consider any action on Ordinance No. 2024-11 regarding text amendments to Chapter 14 “Zoning Ordinance” of the Code of Ordinances, City of Azle, Texas. The purpose of the text amendment is to consider amendments to the Permitted Use Schedule.

Background and Explanation:

At the City Council meeting on February 6, 2024, there was a discussion on reviewing the Permitted Use Schedule and making some revisions to the list of allowed businesses on it. The purpose of this agenda item is to review the Permitted Use Schedule and determine which type of business to change and whether it will be allowed by right (P) or by a Specific Use Permit (SUP). Permitted uses would only require a building permit/Certificate of Occupancy from the City to open the business. Specific Use Permits require a public hearing and approval by the P & Z Commission and City Council before opening that type of business.

Current Text Language:

Zoning Ordinance - Section 3 Definitions and Section 4.10 - Permitted Use Schedule are attached to this agenda item.

Proposed Text Amendment:

At the Feb. 6, 2024 meeting, City Council made some recommended changes to the Permitted Use Schedule. Below is an abbreviated use chart focused only on non-residential land uses and non-residential zoning districts for evaluation, which includes the Council's recommended changes in red text. The full Permitted Use Schedule and Definitions are attached to the end of this staff report.

Zoning Ordinance - Section 3.2 - Definitions - Add the following new definition:

SMOKE SHOP AND TOBACCO STORE: Any retail establishment that is dedicated, in whole or in part, to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, tobacco paraphernalia, electronic vaping devices or other similar substances; provided, however, that any grocery store, supermarket, convenience store or similar retail use that only sells conventional cigars, cigarettes or tobacco as an ancillary sale shall not be defined as a "smoke shop and tobacco store" and shall not be subject to the restrictions in this section.

Zoning Ordinance - Section 4.10 - Permitted Use Schedule

Commercial Uses	O	CBD	INS	C	HC	IND
Auto and RV sales					S P	S P
Bar		S		S	S	S

Bed and breakfast		S				
Broadcasting or production studio				P	P	P
Car wash				S	S P	S P
Commercial parking lots	S P	S P	S P	S P	S P	S P
Equestrian facilities						
Equipment rental					P	S P
Food Truck Park	S	S	P	S	S	S
Free standing emergency medical care facility/urgent care	L10 42	L10 42	L10 42	L10 42	L10 42	L10 42
Hotel /motel	S	S	S	S P	S P	P
Indoor recreation		P	P	P	P	P
Laundry facilities				S	S P	P
Major event entertainment				S P	S P	S P
Medical laboratories	P	P	P	P	P	P
Movie theaters				P	P	P
Outdoor recreation				P	P	P
Private club		S		S	S	S
Professional services and offices	P	P	P	P	P	P
Quick vehicle servicing		S P		P	P	P
Restaurant	P	P	P	P	P	P
Retail sales and service	S	P	P	P	P	P
RV camp ground/park				S	S	
Scientific research	P	P		P	P	P
Sexually oriented business						S
Smoke Shop and Tobacco Store					S	S
Temporary construction office	L8	L8	L8	L8	L8	L8
Vehicle repair					S P	P

Industrial Uses	O	CBD	INS	C	HC	IND
Bakeries		P		P	P	P
Construction material sales					P	P
Construction equipment sales/storage						P
Distribution center				S P	S P	S P
Feed lots						
Food processing						S
Gas wells/oil wells	S	S	S	S	S	S
Junk yards and auto wrecking						S
Kennels				S, L9 11	S, L9 11	S, L9 11
Manufacturing, light		S, L7		S, L7	S, L7	P
Manufacturing, heavy					S, L7	S, L7 P
Manufacturing of non-odoriferous foods						P
Motor freight terminal						S P
Printing/publishing		P			P	P
Radio, tv or cellular towers	S	S	S	S	S	S
Recycling business					S	S P
Sanitary landfills, commercial incinerators, transfer stations						S
Self-service storage					S P	S P
Temporary concrete batch plant	P	P	P	P	P	P
Veterinary clinics				P	P	P
Wholesale sales				S	P	P
Wholesale nurseries						
Wholesale storage and distribution					S P	S P

Wrecker services and impound lots	S L9	S L9	S L9	S L9	S L9	S L10
Service Uses	O	CBD	INS	C	HC	IND
Barber, beauty & nail salon	P	P		P	P	P
Dance studio	P	P		P	P	P
Fitness facility	P	P	P	P	P	P
Health studio	P	P	P	P	P	P
Tattoo parlor				S P	S P	S P
Tanning Salon		P		P	P	P
P - Permitted Use L5 - Building mounted wind generators may not extend higher than ten (10) feet above where the wind generator is mounted on the building. The height shall be measured from the base of the wind generator where it is mounted on the building to the highest point of the arc of the blades' elevation. If the wind generator does not use blades, then height is measured from the base of the wind generator where it is mounted on the building to the highest point of the wind generator. L1012 - A minimum	S - Specific Use Permit Required L6 - Lots where the proposed wind generators will be located shall have a minimum lot area of two (2) acres. A maximum of one (1) wind generators is permitted by right. Wind generators shall be located a minimum of 150 feet from the property lines. Multiple	L - Permitted Use with designated limitations L7 - No outside storage of materials is allowed. No measurable increase in ambient sound shall be detectable at the property line.	L1 - Live stock are permitted in accordance with Chapter 2 of the City of Azle Code of Ordinances L8 - Temporary Construction Office may be erected 30 days prior to construction activities and shall be removed within 10 days of completion of construction activity[.]	L2 - HUD-Code manufactured homes are allowed in the SF-4 district only when replacing an existing non-HUD Code trailer house. L9--No vehicle storage allowed[.]	L3 - Accessory structures directly related to an agriculture function are allowed without a primary structure on platted land greater than 5 acres. L10--A maximum of 30 vehicles may be stored[.]	L4 - Accessory Dwelling shall not exceed the total square footage of the primary use, including all ancillary uses. Accessory Dwelling are only allowed on properties with frontage on and addressed from Main Street. Accessory Dwellings must be attached to the structure housing the primary use. Only 1

separation of 300' shall be maintained to any adjacent residential use[.]	wind generators are permitted only with approval of a SUP. The maximum height of a wind generators shall not exceed the maximum height of a structure per the zoning district without an SUP[.]					Accessory Dwelling is allowed per platted lot[.]
						L911 - A minimum separation of 500' from any outdoor kennel or run shall be maintained to any adjacent residential use.

Board/Commission/Committee Recommendation:

On March 21, 2024, the P & Z Commission conducted a public hearing and recommended approval of the proposed amendments to the Permitted Use Schedule as presented. The motion carried unanimously by a vote of 5-0 (Commissioners Arneson and Carlson were absent).

Staff Recommendation:

Staff forwards this proposed code amendment for City Council consideration.

Attachments:

1. Ordinance No. 2024-11
2. Section 4.10 - Permitted Use Schedule
3. Section 3 - Definitions

ORDINANCE NO. 2024-11

AN ORDINANCE OF THE CITY OF AZLE, TEXAS, AMENDING SECTION 3, “DEFINITIONS” OF EXHIBIT A, “ZONING ORDINANCE” OF CHAPTER 14, “ZONING”; AND AMENDING SECTION 4, “ZONING DISTRICT REGULATIONS” OF EXHIBIT A, “ZONING ORDINANCE” OF CHAPTER 14, “ZONING” OF THE CODE OF ORDINANCES, CITY OF AZLE, TEXAS, TO ADD NEW DEFINITIONS AND AMEND THE PERMITTED USE SCHEDULE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City of Azle is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of Azle heretofore adopted the Zoning Ordinance of the City, codified in Chapter 14 of the City Code, which Ordinance regulates and restricts the location and use of buildings, structures and land for trade, industry, residence and other purposes, and provides for the establishment of zoning districts of such number, shape and area as may be best suited to carry out these regulations; and

WHEREAS, the Planning and Zoning Commission of the City of Azle, Texas held a public hearing on March 21, 2024, and the City Council of the City of Azle, Texas held a public hearing on April 2, 2024, with respect to the zoning ordinance and subdivision changes described herein; and

WHEREAS, the Planning & Zoning Commission and the City Council of the City of Azle, in compliance with the laws of the State of Texas and the ordinances of the City of Azle, have given requisite notice of publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and in the exercise of its legislative discretion have concluded that the Comprehensive Zoning Ordinance should be amended as described herein.

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

SECTION 1.

Section 3, “Definitions” of Exhibit A, “Zoning Ordinance” of Chapter 14, “Zoning” shall be amended to amend subsection 3.2 to add a new definition to read as follows:

SMOKE SHOP AND TOBACCO STORE: Any retail establishment that is dedicated, in whole or in part, to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, tobacco paraphernalia, electronic vaping devices or other similar substances; provided, however, that any grocery store, supermarket, convenience store or similar retail use that only.

SECTION 2.

Section 4, “Zoning District Regulations” of Exhibit A, “Zoning Ordinance” of Chapter 14, “Zoning” shall be amended to amend subsection 4.10 to read as follows:

Zoning Ordinance - Section 4.10 - Permitted Use Schedule

Commercial Uses	O	CBD	INS	C	HC	IND
Auto and RV sales					S	S
Bar		S		S	S	S
Bed and breakfast		S				
Broadcasting or production studio				P	P	P
Car wash				S	S	S
Commercial parking lots	S	S	S	S	S	S
Equestrian facilities						
Equipment rental						S
Food Truck Park	S	S	P	S	S	S
Free standing emergency medical care facility/urgent care	L10	L10	L10	L10	L10	L10
Hotel /motel	S	S	S	S	S	P
Indoor recreation		P	P	P	P	P
Laundry facilities				S	S	P
Major event entertainment				S	S	S
Medical laboratories	P	P	P	P	P	P
Movie theaters				P	P	P
Outdoor recreation				P	P	P
Private club		S		S	S	S
Professional services and offices	P	P	P	P	P	P

Quick vehicle servicing		S		P	P	P
Restaurant	P	P	P	P	P	P
Retail sales and service	S	P	P	P	P	P
RV camp ground/park				S	S	
Scientific research	P	P		P	P	P
Sexually oriented business						S
Smoke Shop and Tobacco Store					S	S
Temporary construction office	L8	L8	L8	L8	L8	L8
Vehicle repair					S	P
Industrial Uses	O	CBD	INS	C	HC	IND
Bakeries		P		P	P	P
Construction equipment sales/storage						P
Distribution center				S	S	S
Feed lots						
Food processing						S
Gas wells/oil wells	S	S	S	S	S	S
Junk yards and auto wrecking						S
Kennels				S, L9	S, L9	S, L9
Manufacturing, light		S, L7		S, L7	S, L7	
Manufacturing, heavy					S, L7	S, L7
Manufacturing of non-odoriferous foods						P
Motor freight terminal						S
Printing/publishing		P			P	P
Radio, tv or cellular towers	S	S	S	S	S	S
Recycling business					S	S
Sanitary landfills, commercial incinerators, transfer stations						S

Self-service storage					S	S
Temporary concrete batch plant	P	P	P	P	P	P
Veterinary clinics				P	P	P
Wholesale sales				S	P	P
Wholesale nurseries						
Wholesale storage and distribution					S	S
Wrecker services and impound lots	S	S	S	S	S	S
Service Uses	O	CBD	INS	C	HC	IND
Barber, beauty & nail salon	P	P		P	P	P
Dance studio	P	P		P	P	P
Fitness facility	P	P	P	P	P	P
Health studio	P	P	P	P	P	P
Tattoo parlor				S	S	S
Tanning Salon		P		P	P	P
P - Permitted Use L5 - Building mounted wind generators may not extend <u>higher than</u> ten(10) feet above where the wind generator is mounted on the building. The height shall be measured from the base of the wind generator where it is mounted on the building to the highest point of the arc of the blades' elevation. If the wind generator does not use blades, then height is measured from the base of the wind generator where it is mounted on the	S Specific Use Permit Required L6 - Lots where the proposed wind generator s will be located shall have a minimum lot area of two (2) acres. A maximum of one (1) wind generator is permitted by right.	L Permitted Use with designated <u>limitations</u> L7 - No outside storage of materials is allowed. No measurable increase in ambient sound shall be detectable at the property line.	L1 - Live stock <u>are</u> permitted in accordance with Chapter 2 of the City of Azle Code of Ordinances L8 Temporary Construction Office may be erected 30 days prior to construction activities and shall be removed within 10 days of completion of construction activity[.]	L2- HUD- Code manufactur ed homes	L3 - Accessory structures directly related to an agriculture function are allowed without a primary structure on platted land greater than <u>5</u> acres.	L4 Accessory Dwelling shall not exceed the total square footage of the primary use, including all ancillary uses. Accessory Dwelling are only allowed on properties with frontage on and addressed from Main Street. Accessor y

building to the highest point of the <u>wind</u> generator.	Wind generator s shall be located					Dwellings
L10 - A minimum separation of 300' shall be maintained to any adjacent residential use[.]	minimum of 150 feet from the property lines. Multiple wind generators are permitted only with approval of a SUP. The maximum height of a wind generators shall not exceed the maximum height of a structure per the zoning district without an SUP1					must be attached to the structure housing the primary use. Only 1 Accessory Dwelling is allowed per platted lot[.] L9 - A minimum separation of 500' from any outdoor kennel or run shall be maintained to any adjacent residential use.

SECTION 3.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances, City of Azle, Texas, as amended, except where the provisions are in direct conflict with the provisions of their ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION 4.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

Any person, firm or corporation who violates, disobeys, omits, neglects, refuses or fails to comply with, or who resists the enforcement of any provision of this ordinance shall be fined not more than Five Hundred dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6.

All rights and remedies of the City of Azle are expressly saved as to any and all violations of the provisions of the Code of Ordinances, City of Azle, Texas, as amended, which have accrued at the time of the effective date of this ordinance; and, as such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, shall not be affected by this ordinance but may be prosecuted until final disposition by the court.

SECTION 7.

This ordinance shall be in full force and effect from and after its passage as provided by law, and it is so ordained.

AND IT IS SO ORDAINED.

DULY PASSED AND APPROVED by the City Council of the City of Azle, Texas, on April 2, 2024.

Mayor, Alan Brundrett
ATTEST:

Yael Forgey, City Secretary

APPROVED AS TO FORM:

Andrea Russell, City Attorney

Exhibit 14A. Zoning Ordinance

SECTION 4. ZONING DISTRICTS REGULATIONS

§ 4.10. PERMITTED USE SCHEDULE.

PERMITTED USES	AG	LFO	E-1	E-2	E-3	SF-1	SF-2	SF-3	SF-4	SF-5	SF-MHP	MD-1	MD-2	MF-1	MF-2	O	CBD	INS	C	HC	IND
Residential Uses																					
Agriculture activity	P																				
Livestock	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1	L1						
Single-family detached	P	P	P	P	P	P	P	P	P												
Two family/duplex												P	P	P	P						
Accessory dwellings																	L4				
HUD-code manufac-tured homes									L2	P	P										
Community homes forthe disabled	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P						
Multifamily 3 or moreunits												S	S	P	P						
Home occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P						
Group homes/halfway house	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S						
Accessory buildings	L3	L3	L3	L3	L3	L3	L3	L3	L3	L3	L3	L3	L3	L3	L3						
Educational Uses																					
Public schools	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P
College or university																P	P	P	P	P	P
Private school													S	S	S	S	S	P	S	S	S
Trade school																S	S	P	S	P	P
Adult or child day-care																S	P	P	P	P	P
Child day-care 12 chil-dren or less	S	S	S	S	S	S	S	S	S	S	S	S	S								
Institutional Uses																					
Basic utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Churches	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Community service	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Conference/convention centers																S	S	P	S	P	P
Cemeteries																		P			

PERMITTED USES	AG	LFO	E-1	E-2	E-3	SF-1	SF-2	SF-3	SF-4	SF-5	SF-MHP	MD-1	MD-2	MF-1	MF-2	O	CBD	INS	C	HC	IND
Elderly housing														P	P			P			
Hospital																		P	P	P	
Medical centers																P	P	P	P	P	P
Parks and recreation(public or private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Wind generator(build- ing mounted)																L5	L5	L5	L5	L5	L5
Wind generator (free- standing monopole)	L6	L6	L6	L6	L6	L6	L6	L6	L6	L6	L6	L6	L6	L6	L6	L6	L6	L6	L6	L6	L6
Commercial Uses																					
Auto and RV sales																				P	P
Bar																	S		S	S	S
Bed and breakfast	S	S	S	S	S												S				
Broadcastin g or pro- duction studio																			P	P	P
Car wash																			S	P	P
Commercial parking lots																P	P	P	P	P	P
Equestrian facilities	P																				
Equipment rental																				P	P
Free standing emer- gency medical care facility/urgent care																L12	L12	L12	L12	L12	L12
Hotel /motel																S	S	S	P	P	P
Indoor recreation																	P	P	P	P	P
Laundry facilities																			S	P	P
Major event entertainment	S																		P	P	P
Medical laboratories																P	P	P	P	P	P
Movie theaters																			P	P	P
Outdoor recreation	P																		P	P	P
Private club																	S		S	S	S
Professional services and offices																P	P	P	P	P	P
Quick vehicle servicing																	P		P	P	P
Restaurant																P	P	P	P	P	P
Retail sales and service																S	P	P	P	P	P
RV camp ground/park																			S	S	
Scientific research																P	P		P	P	P
Sexually oriented business																					S
Temporary construc- tion office	L8	L8	L8	L8	L8	L8	L8	L8	L8	L8	L8	L8	L8	L8	L8	L8	L8	L8	L8	L8	L8

PERMITTED USES	AG	LFO	E-1	E-2	E-3	SF-1	SF-2	SF-3	SF-4	SF-5	SF-MHP	MD-1	MD-2	MF-1	MF-2	O	CBD	INS	C	HC	IND
Vehicle repair																				P	P
Industrial Uses																					
Bakeries																	P		P	P	P
Construction material sales																				P	P
Construction equipment sales/storage																					P
Distribution center																			P	P	P
Feed lots	S																				
Food processing	S																				S
Gas wells/oil wells	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Junk yards and auto wrecking																					S
Kennels	S																		L11	L11	L11
Manufacturing, light																	L7		L7	L7	P
Manufacturing, heavy																				L7	P
Manufacturing of non-odoriferous foods																					P
Motor freight terminal																					P
Printing/publishing																	P			P	P
Radio, tv or cellular towers																S	S	S	S	S	S
Recycling business																				S	P
Sanitary landfills, commercial incinerators, transfer stations	S																				S
Self-service storage																				P	P
Temporary concrete batch plant	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Veterinary clinics	P																		P	P	P
Wholesale sales																			S	P	P
Wholesale nurseries	P																				
Wholesale storage and distribution																				P	P
Wrecker services and impound lots																L9	L9	L9	L9	L9	L10
Service Uses																					
Barber, beauty & nail salon																P	P		P	P	P
Dance studio																P	P		P	P	P
Fitness facility																P	P	P	P	P	P
Health studio																P	P	P	P	P	P
Tattoo parlor																			P	P	P

PERMITTED USES	AG	LFO	E-1	E-2	E-3	SF-1	SF-2	SF-3	SF-4	SF-5	SF-MHP	MD-1	MD-2	MF-1	MF-2	O	CBD	INS	C	HC	IND
Tanning Salon																	P		P	P	P

P - Permitted Use

S - Specific Use Permit Required

L - Permitted Use with designated limitations

L1 - Live stock are permitted in accordance with Chapter 2 of the City of Azle Code of Ordinances

L2 - HUD-Code manufactured homes are allowed in the SF-4 district only when replacing an existing non- HUD Code trailer house.

L3 - Accessory structures directly related to an agriculture function are allowed without a primary structure on platted land greater than 5 acres.

L4 - Accessory Dwelling shall not exceed the total square footage of the primary use, including all ancillary uses. Accessory Dwelling are only allowed on properties with frontage on and addressed from Main Street. Accessory Dwellings must be attached to the structure housing the primary use. Only 1 Accessory Dwelling is allowed per plat- ted lot[.]

L5 - Building mounted wind generators may not extend higher than ten (10) feet above where the wind generator is mounted on the building. The height shall be measured from the base of the wind generator where it is mounted on the building to the highest point of the arc of the blades' elevation. If the wind generator does not use blades, then height is measured from the base of the wind generator where it is mounted on the building to the highest point of the wind generator.

L6 - Lots where the proposed wind generators will be located shall have a minimum lot area of two (2) acres. A maxi- mum of one (1) wind generators is permitted by right. Wind generators shall be located a minimum of 150 feet from the property lines. Multiple wind generators are permitted only with approval of a SUP. The maximum height of a wind generators shall not exceed the maximum height of a structure per the zoning district without an SUP[.]

L7 - No outside storage of materials is allowed. No measurable increase in ambient sound shall be detectable at the property line.

L8 - Temporary Construction Office may be erected 30 days prior to construction activities and shall be removed within 10 days of completion of construction activity[.]

L9 - No vehicle storage allowed[.]

L10 - A maximum of 30 vehicles may be stored[.]

L11 - A minimum separation of 500' from any outdoor kennel or run shall be maintained to any adjacent residential use.

L12 - A minimum separation of 300' shall be maintained to any adjacent residential use[.]

(Ordinance 2013-09, ex. A, adopted 5/7/13; Ordinance 2022-18 adopted 8/2/2022)

Exhibit 14A. Zoning Ordinance

SECTION 3. DEFINITIONS

§ 3.1. INTERPRETATION OF CERTAIN WORDS AND PHRASES.

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

- A. The word person includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- C. The word shall is mandatory, the word may is permissive.
- D. The word used or occupied includes the words intended, designed, or arranged to be used or occupied.
- E. Words shall be construed in their common and usual significance unless the contrary is clearly indicated.

§ 3.2. DEFINITIONS.

For the purpose of this ordinance, the following definitions shall apply:

ABANDONED: When a building, lot, or structure has become vacant or out of use for a continuous period as specified in this ordinance, or when the intention of the owner to permanently discontinue occupancy of the premises is apparent.

ABUTTING, ADJACENT, ADJOINING: Contiguous or sharing a common border or boundary with other property. Abutting, adjacent, and adjoining shall include property immediately across an alley, but shall not include property across a street.

ACCESSORY BUILDING: A subordinate building, excluding garages, having a use customarily incidental to the main structure. A structure housing an accessory use is considered part of the main structure and not an accessory building when it has any part of a wall in common with the main structure or is under an extension of the main roof and designed as part of the main structure.

ACCESSORY DWELLING: A single-family dwelling ancillary to the primary commercial use of the property that is attached to the structure housing the primary business.

ACCESSORY USE: A land use subordinate to and customarily incidental to the primary use of the main structure or the premises.

ADMINISTRATIVE OR RESEARCH FACILITIES: A facility used for the management of an enterprise or research and development activities such as improving technologies, developing products and scientific research.

AGRICULTURAL ACTIVITY: Land used exclusively as a bonafide agricultural operation by the owner or tenant. The use of land for agricultural purposes including farming, horticulture, animal and poultry husbandry, and the necessary accessory uses, provided that the operation of the accessory use is clearly incidental to the agricultural activity. An accessory use shall include incidental sales by the producer of products raised on the farm.

ALLEY: A minor way which is used primarily for vehicular service access to the back or side of properties also abutting on a street.

ANTENNA: Any apparatus external to or attached to the exterior of a structure, together with any supporting structure for sending or receiving electromagnetic waves.

AREA OF THE LOT: That net portion of the lot which does not include portions of streets or alleys.

ASSISTED LIVING CENTER: A quasi-residential facility where room, board, and personal care services are provided within a structure containing multiple living quarters for seven (7) or more elderly persons who are not related to the owner. Personal care services include assistance with meals, dressing, movement, bathing, or other personal needs or maintenance, or administration of medication by a person licensed to administer medication, as defined by the Personal Care Facility Licensing Act, Section 247.002, Texas Health and Safety Code, V.T.C.A.

AUTOMOBILE AND RV SALES: A structure and/or lot dedicated to the retail sale of new or used motor vehicles and boats.

AUTOMOTIVE WRECKING AND SALVAGE YARD: A business that stores three (3) or more wrecked vehicles outdoors for the purpose of selling the vehicles whole; or dismantling or otherwise wrecking the vehicles to remove parts for sale or for use in an automotive repair or rebuilding business.

BAKERY: A place for baking or selling baked goods.

BAR: An establishment where 51% or more of the revenues are from the sale of alcoholic beverages.

BARN (OR STABLE): An accessory building having an agricultural or livestock use incidental to the main structure.

BASEMENT: A building story which is partly underground, but having at least one-half (1/2) of its height above the average level of the adjoining ground. A basement shall be counted as a story in computing building height.

BASIC UTILITIES: Infrastructure services and the structures necessary to provide those services including electricity, natural gas, telephone, telecommunications, water, or sewer.

BED AND BREAKFAST FACILITIES: A detached dwelling in which rooms are rented and meals may be served to transient guests on an overnight basis.

BLOCK: An area enclosed by streets, or if said word is used as a term of measurement, it shall mean the distance along a side of a street between two (2) intersecting streets, or if the street is of a dead-end type, a block shall be considered to be measured between the nearest intersecting street and the end of such dead-end street. In cases where platting is incomplete or disconnected, the Zoning Administrator shall determine the outline of the block.

BOARD OF ADJUSTMENT/BOARD: The Board of Adjustment of the City of Azle, Texas.

BOARDING HOUSE: A building where lodging and meals for five (5) or more persons are served for compensation.

BREEZEWAY: A covered passage six (6) feet or more in length connecting a main structure and an accessory building. A breezeway shall be considered an accessory building.

BROADCASTING OR PRODUCTION STUDIOS: A structure designed for making and transmitting programs for radio or television or for the production/editing of films, videos, commercials, etc.

BUILDABLE AREA: That portion of a building site, exclusive of the required yards, on which a structure or building improvement may be erected, and including the actual structure, driveway, parking lot, pool, and other construction as shown on the site plan.

BUILDING: Any permanent structure designed, used, or intended to be used for human occupancy or use or to support the human occupancy or use of land, including manufactured homes.

BUILDING: Any structure built for the support, shelter, and/or enclosure of persons, animals, possessions, or movable property of any kind.

BUILDING LINE: A line established beyond which no part of a building shall project, except as otherwise provided in this Chapter.

BUILDING PERMIT: A document signed by the Building Official or their authorized representative as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, repair, remodeling, rehabilitation, alteration, conversion, demolition, moving, installment, or portion of a structure or building, which acknowledges that such use or building complies with the provisions of this Chapter or an authorized variance or Specific Use Permit there from.

BUILDING SETBACK: The minimum horizontal distance between the front property line and the front wall of any projection of the structure, excluding steps and unenclosed porches.

BUSINESS: Includes retail, commercial, industrial, and manufacturing uses and zoning districts.

BUSINESS OR TRADE SCHOOL: A secondary school offering instruction in a professional, vocational, or technical field.

CARPORT: A partially enclosed structure used for the housing of motor vehicles, the property of, and for use only by the occupants of the lot upon which such structure is located. For purposes of zoning, a carport attached to a principal structure shall be regarded as part of that principal structure and not as an accessory structure. A detached carport shall be classified as an accessory structure.

CELLAR: A building story with more than one-half (1/2) of its height below the average level of the adjoining ground. A cellar shall not be counted as a story in computing building height.

CERTIFICATE OF OCCUPANCY: Certificate issued by the Building Official for the use of a building, structure or land, when it is determined by the Building Official that the building, structure or proposed land use complies with the provisions of all applicable Codes of the City of Azle.

CHURCH: A place of public worship and religious training including the on-site housing of ministers, rabbis, priests, nuns, and similar staff personnel.

CITY COUNCIL: The governing body of the City of Azle, Texas.

CLINIC: Offices for one or more physicians, or other health care personnel, engaged in treating the sick or injured, but not including rooms with hospital beds for overnight care.

COLLEGE OR UNIVERSITY: An institution of higher learning providing facilities for teaching and research and authorized to grant academic degrees[.]

COMMERCIAL PARKING LOTS: An area devoted to the standing, maneuvering, and circulation of motor vehicles in commercial areas.

COMMUNITY HOME: A home as defined in Chapter 123 of the Texas Human Resources Code.

COMMUNITY HOME FOR DISABLED PERSONS: A community-based residential home containing not more than six (6) disabled persons with two (2) supervisory personnel which meets the requirements of the Community Homes for the Disabled Persons Location Act, Tex. Hum. Res. Code Chapter 123.001, et seq. (Vernon 1990), as amended.

COMMUNITY SERVICE: A structure or group of structures for a community's governmental, social, educational, and/or recreational activities. Community Service facilities include federal, state, county, and local government activities.

COMPREHENSIVE PLAN: The Comprehensive Plan of the city as adopted by the City Council. The Comprehensive Plan shall consist of a Land Use Plan, a Thoroughfare Plan, a Water System Plan, a Sanitary Sewer Plan, a Storm Drainage Plan, a Park System Plan, and such other plans as may be adopted from time-to-time by the City Council.

CONFERENCE/CONVENTION CENTERS: A facility with a capacity of greater than 500 seats used for conferences, conventions, seminars, or similar functions.

CONSTRUCTION EQUIPMENT SALES/STORAGE: A business involved in the sale or storage of construction equipment including backhoes, excavators, loaders, compactors, dozers, etc.

CONSTRUCTION MATERIALS SALES: A business involved in the sale of structure supplies and services including lumber, plywood, drywall, siding, windows, molding, cabinets, insulation, etc.

DAY-CARE, ADULT: A facility that provides services under an Adult Day-Care Program on a daily or regular basis, but not overnight, to four or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility.

DAY-CARE, CHILD: Means an establishment licensed by the state that provides care, protection and supervision for four or more children for periods of less than 24 hours per day on a regular basis for a fee or other compensation. This classification shall not include overnight lodging, medical treatment, counseling, and/or rehabilitative services and does not apply to any public school.

DISH ANTENNA: Any antenna which incorporates a reflective surface that is designed to transmit or receive microwave signals from terrestrial and/or orbital based uses.

DISTRIBUTION CENTER/WAREHOUSE, GENERAL: A facility where goods or products that are manufactured or assembled off-site are received and stored in bulk, and are then distributed to customers.

DISTRICT, ZONING: A section of the city for which the regulations governing the use and development of properties are uniform for each type and class of structure.

DISTURBED AREA: An area of land subjected to erosion due to the removal of vegetative cover and/or earthmoving activities, including but not limited to filling.

DWELLING, ATTACHED: A building attached to another building by a common wall, such wall being a solid wall with or without windows and doors and a common roof.

DWELLING, DETACHED: A dwelling which is designed to be and is substantially separate from any other structure or structures except accessory buildings without a common roof.

DWELLING, DUPLEX: A structure that contains two (2) attached dwellings that are separated by a fire-rated wall.

DWELLING, HUD-CODE MANUFACTURED HOME: A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or, when erected on site, is four hundred (400) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 C.F.R. Section 3282.8(g).

DWELLING, MULTIFAMILY: A structure that contains three (3) or more dwellings and any ancillary uses.

DWELLING, SINGLE-FAMILY: A building arranged, intended or designed for one-family occupancy.

DWELLING, TWO-FAMILY: A building arranged, intended or designed for two-family occupancy.

DWELLING UNIT: A building or portion of a building which is arranged, occupied, or intended to be occupied as living quarters for one family and including facilities for food preparation and sleeping.

EASEMENT: A grant of the right to use a strip of land for specific purposes.

EFFICIENCY APARTMENT: A dwelling unit having a combination living and bedroom, with no separate bedroom.

ELDERLY HOUSING: A structure licensed by the Texas Department of Aging and Disability, eighty (80) percent of whose occupants are fifty-five (55) years of age and older, and that; meets the definition of one (1) of the three (3) uses listed below:

- A. **Elderly Housing, Assisted Living:** Services in these establishments include assistance with daily activities, such as dressing, grooming, bathing, etc.
- B. **Elderly Housing, Congregate Care Facility:** A facility for long-term residence generally for persons fifty-five (55) years of age or older, and which shall include, without limitation, common dining, social and recreational features, special safety and convenience features designed for the needs of the elderly, such as emergency call systems, grab bars and handrails, special door hardware, cabinets, appliances, passageways, and doorways designed to accommodate wheelchairs, and the provision of social services for residents which shall include at least two (2) of the following: meals services, transportation, housekeeping, linen, and organized social activities.
- C. **Elderly Housing, Life Care Housing and Services:** A residential complex, which may contain multifamily dwellings, attached dwellings, single-family dwelling and other types of dwellings and structures designed for and principally occupied by senior citizens. Such facilities will include one of the following: A congregate meals program in a common dining area, assisted living housing, nursing home facilities, congregate care facilities, or medical facilities.

EQUESTRIAN FACILITIES: A structure or area for horseback riding activities including boarding, training, lessons, and shows.

EXTRATERRITORIAL JURISDICTION: The unincorporated area outside of and contiguous to the corporate boundaries of the City as defined and established in accordance with Chapter 42 of the Texas Local Government Code.

FABRICATING: The process of assembling using standardized parts.

FAMILY: One or more persons who are related by blood or marriage, living together, and occupying a single housekeeping unit or a group of not more than five (5) persons living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities on a nonprofit, cost-sharing basis.

FEEDLOT: A lot, corral, yard, or other area in which livestock are confined, primarily for the purposes of feeding and growth prior to slaughter. The term shall not include areas which are used for raising crops or other vegetation or upon which livestock are allowed to graze, nor shall it allow the slaughter of said animals and livestock on premises.

FESTIVAL, CARNIVAL, OR FAIR: A temporary public or commercial gathering where entertainment, food, crafts, amusement rides, games of chance, and the like are offered to the public for viewing or sale.

FIELD OR CONSTRUCTION OFFICE: A temporary modular building located at a construction site which serves only as an office until the given construction work is completed.

FLOOR AREA: The total (net) usable square footage of floor space within the interior wall of a structure or room, including each floor level, but excluding cellars, mechanical rooms, attics, carports, or garages that are not designed for residential or business occupancy.

FLOOR AREA RATIO (FAR): The ratio between the total square feet of floor area in a structure and the total square feet of land in the lot or tract on which the structure is located.

FOOD PROCESSING FACILITIES: Industrial operations in which raw food is made suitable for consumption, cooking or storage. Such facilities include commercial slaughterhouses for poultry, livestock, or other animals, hog farms, and egg farms.

FREE STANDING EMERGENCY MEDICAL CARE FACILITY / URGENT CARE FACILITY: is a facility operating 24 hours a day, seven days a week, that is structurally separate and distinct from a hospital and which receives an individual and provides emergency care. Emergency care is defined as health care services provided in a freestanding emergency care facility to evaluate and stabilize a medical condition of a recent onset and severity, including severe pain, psychiatric disturbances, or symptoms of substance abuse, that would lead a prudent layperson possessing an average knowledge of medicine and health to believe that the person's condition, sickness, or injury is of such a nature that failure to get immediate medical care could result in:

- A. Placing the person's health in serious jeopardy
- B. Serious impairment to bodily functions
- C. Serious dysfunction of a bodily organ or part
- D. Serious disfigurement
- E. Or in the case of a pregnant woman, serious jeopardy to the health of the woman or fetus

GAMES OF CHANCE: Any electronic, electromechanical, or mechanical contrivance that for a consideration affords the player an opportunity to obtain anything of value, the award of which is determined solely or partially by chance, even though accompanied by some skill.

GAMES OF SKILL: Any other electronic, electromechanical, or mechanical contrivance not deemed as a game of chance.

GARAGE, ATTACHED: A building designed primarily for storage of motor vehicles which shares a common wall with the main structure or is attached to the main structure by a breezeway.

GARAGE, DETACHED: A free standing building of similar construction and architecturally compatible with the main structure and designed primarily for storage of motor vehicles.

GARAGE PRIVATE PARKING: An accessory building, portion of a main building, or building attached thereto, used for the storage of private motor vehicles.

GARAGE, PUBLIC: A building or portion designed or used for the storage, sale, care, or repair of motor vehicles operated for commercial business purposes.

GRADE: The average elevation or level of the finished surface of the ground adjacent to the exterior wall of the structure.

GROSS FLOOR AREA: Measured as the outside dimension of the structure at each floor level, excluding the floor area of basements or attics not used for occupancy.

GROUP HOME: A profit or nonprofit facility, home, or structure for the protective care of persons, both adult and adolescent, who need a watchful environment, but do not have an illness, injury, or disability which requires chronic or convalescent care, including medical and nursing services. Protective care and watchful oversight includes, but is not limited to, a daily awareness by management of the residents' whereabouts, the asking and reminding of residents of their appointments for medical checkups, the ability and readiness of management to intervene if a crisis arises for a resident, and supervision by management in areas of nutrition, medication, and actual provision of transient medical care, with a twenty-four (24)-hour responsibility for the well-being of residents of the facility.

GROUP HOMES FOR DISABLED PERSONS: A shared residential living arrangement which provides a family-type environment for six (6) or more handicapped persons supervised by one or more primary caregivers and has obtained a license to operate under the Personal Care Facilities Licensing Act. Tex. Health & Safety Code Sec. 247.001 et.seq. A Group Home for Disabled Persons does not include Community Homes for Disabled Persons.

HEAVY MANUFACTURING: Industrial operations for the production of a good using raw materials and mechanical power and machinery.

HEIGHT: The vertical distance measured from the average finish ground level within five (5) feet of the building, to the highest point of the building. In measuring the height of the building, the following structures shall be excluded: chimneys, cooling tower, radio antennas, ornamental cupolas or spires, elevator bulk heads, tanks, water towers, and parapet walls (not exceeding four (4) feet in height). In measuring the height of a building having a roof inclining more than one inch (1) per foot the highest point of the building shall be the mean height level of the top of the main plates and highest ridge.

HOME OCCUPATION: Any occupation that does not involve a structural change in the building nor requires the employment of help or displaying a sign and shall not include beauty schools or parlors or doctors' offices. The use of the home as an occupation shall be incidental and subordinate to the use of the home as a dwelling.

HOSPITAL: An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care and nursing service on a continuous basis; or a nursing home (see definition).

HOTEL OR MOTEL: A facility offering transient lodging accommodations to the general public at a daily rate for a period of time not to exceed thirty (30) days, and providing additional services, such as restaurants, meeting rooms, and recreational facilities.

IMPERVIOUS SURFACE: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

INDOOR AMUSEMENT: A facility providing game equipment for entertainment and amusement as a source of income. Games contained in the facility may include coin operated machines utilizing balls, pins, and baskets, video equipment, and pin balls. Other equipment may include skill games such as pool, billiards, shuffleboard, darts, and batting cages. Any combination of these games may be used in the facility. However, the combination of one (1) or more games of chance and/or three (3) or more games of skill shall constitute an amusement center.

INDOOR RECREATION: Indoor commercial uses which by their nature are recreational. Examples include bowling alleys, skating rinks, health clubs, racquetball or squash courts, indoor swimming pools, video arcades, pool halls, shooting range, etc.

JUNKYARD: A business that stores, buys, or sells materials that have been discarded or sold at a nominal price by a previous owner and that keeps all or part of the materials outdoors until disposing of them.

KENNEL: Any shelter where dogs or cats are bred, boarded, or held in return for payment. It includes the term "boarding kennel". Please refer to Chapter 2, Article 2.10 [Article **2.02**, division 2] of the City of Azle Code of Ordinances for additional requirements and/or restrictions.

KINDERGARTEN: A school for children of pre-public school age in which constructive endeavors, object lessons, and helpful games are prominent features of the curriculum.

LAUNDRY FACILITIES: A commercial laundering establishment which cleans clothing, carpeting, drapes, and other cloth or synthetic fiber materials using a chemical process. Such establishments may also include self-service laundering facilities.

LIGHT MANUFACTURING: Industrial operations relying on the assembly of products using parts previously developed from raw material and not classified as a point source of objectionable pollutants.

LIVESTOCK: Facilities for the raising, breeding, or maintenance of domestic animals including, but not limited to cattle, horses, sheep, swine, goats, and poultry. This definition does not include feed lots or similar uses.

LOADING SPACE, OFF-STREET: Space logically and conveniently located for bulk pickups and deliveries, and scaled to delivery vehicles expected to be used.

LOT: A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required, and having frontage on an approved public or private street. A lot may consist of a parcel of land designated as a lot on a plat filed in the County Plat Records.

LOT AREA: The area of a lot within the lot lines, expressed in square feet or acreage, including easements, and not including portions of any public street or alley.

LOT COVERAGE: The percentage of the total area of a lot occupied by the base (first story floor) of structure located on the lot.

LOT DEPTH: The mean horizontal distance from the front lot line to the rear lot line.

LOT FRONTAGE: The side of a lot which is adjacent to a street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered front yards, and yards shall be provided as indicated under YARD in this section.

LOT LINE, FRONT: The boundary between a lot and the street on which it fronts.

LOT LINE, REAR: The boundary line which is opposite and most distant from the front street line.

LOT LINE, SIDE: Any lot boundary not a front or rear line. A side lot line may be a party lot line, a line bordering on an alley, or side street line.

LOT LINES: The lines bounding a lot as defined herein.

LOT WIDTH: The horizontal distance between side lot lines, measured at the front building line, as established by the minimum front yard requirement of this ordinance.

LOT, CORNER: A lot abutting two (2) or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension.

LOT, INTERIOR: A lot whose side lines do not abut upon any street.

LOT, REVERSED FRONTAGE: A lot which has setback lines on both streets equal to the front setback line as required by this ordinance unless such lots align back-to-back which would allow both lots to show a side yard setback along the side street.

LOT, THROUGH: An interior lot having frontage on two (2) streets.

MAIN (PRINCIPAL) STRUCTURE: The structure or structures on a lot, which are occupied by the primary use.

MANUFACTURE OF NONODIFEROUS FOODS: Industrial operations for the manufacturing of nonodiferous foods.

MAJOR EVENT ENTERTAINMENT: A structure or area with a capacity of greater than one thousand (1,000) seats for public performances and sporting events. Major event entertainment facilities include concert halls, stadiums, and arenas.

MEDICAL CENTER: A walk-in facility for medical, obstetrical, or surgical care limited to day use only.

MINI-WAREHOUSE OR SELF-STORAGE FACILITY: A totally enclosed facility involving one (1) or more buildings that contain individual, compartmentalized, and controlled access stalls or lockers of varying sizes not to exceed six hundred (600) square feet inside, designed and used for the purpose of individual storage spaces for tenants for the sole purpose of the dead storage of the tenants' goods, wares, or personal property. No retail, wholesale, manufacturing, fabrication, service, repair, office, transfer/storage business, or other business will be allowed. Additionally, the operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or similar equipment shall not be allowed. The storage of hazardous or flammable materials as designed by the Fire Marshal is expressly prohibited.

MINIMUM LIVING SPACE: The least amount allowed for a dwelling area. See floor area in these definitions.

MOBILE HOME: A structure that was constructed before June 15, 1976, transportable in one (1) or more sections, which, in the traveling mode, is eight body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems.

NONCONFORMING USE OR STRUCTURE: Any structure or use of land lawful at the time of passage or amendment of this Chapter which does not conform, after the passage or amendment of this Chapter, with the regulations of the district in which it is located.

OCCUPANCY PERMIT: An official certificate issued by the city which indicates conformance with building, zoning, and health and safety regulations and authorizes legal use and occupancy of the premises for which it is issued.

OPEN SPACE: The area included in any side, rear, or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projection of cornices, eaves, or porches. Parking space is not considered open space.

OUTDOOR RECREATION: Outdoor commercial uses which by their nature are recreational such as golf courses, outdoor swimming pools, tennis courts, and basketball courts.

OUTDOOR STORAGE: The storage of any equipment, machinery, commodities, raw or semi finished materials, and building materials which are not within a fully enclosed building.

PARK OR RECREATION, PRIVATE: A noncommercial, not for profit facility designed to serve the open space and recreation needs of the residents of a development.

PARK OR RECREATION, PUBLIC: The real property and improvements thereon owned, operated, or maintained by the City, university, or other public entity, which are designed or used for recreational purposes and are available to the general public. The recreational purposes includes, but is not limited to public swimming pools, golf courses, tennis courts, stadiums, and recreational centers.

PARKING AREA: An open, unoccupied space exclusively for the parking of vehicles.

PARKING LOT: An off-street, all weather paved open surface area used exclusively for the parking of motor vehicles for less than a twenty-four (24) hour period.

PARKING SPACE: An unobstructed area for the storage of cars which meets the requirements of this ordinance.

PERMITTED USES: Any use allowed in a zoning district without additional approval and subject to the restrictions applicable to a particular zoning district.

PERSON: Any corporation, partnership, association, or other artificial entity; or any individual; or any agent or employee of the foregoing.

PLANNING AND ZONING COMMISSION: The agency appointed by the City Council as an advisory body to it, and which is authorized to recommend to the City Council changes in zoning boundaries and the text of this ordinance.

PLAT: A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the city. The plat must be prepared by a professional civil engineer registered in the State of Texas or a Public Surveyor registered in the State of Texas. Reference to a plat in this ordinance means an official plat of record which has been approved by the Planning and Zoning Commission and filed in the plat records of Tarrant or Parker County.

PLAYGROUND: An outdoor area used for recreation.

PREMISES: Land together with any structures occupying it.

PRINTING/PUBLISHING: An establishment where printed material is produced, reproduced and/or copied by either a printing press, photographic reproduction techniques, or other similar techniques. This use does not include copy shops.

PRIVATE CLUB: A group of people associated with or formally organized for a common purpose, interest or pleasure, including organizations with facilities for the storage, sale, possession, or serving of any alcoholic beverage permitted by the law of the State of Texas and where none of such facilities are available except to a member or their guests.

PRIVATE RECREATION: Belonging to or concerning a particular person or a group of persons.

PROFESSIONAL SERVICES AND OFFICES: Offices used for the conduct of business-related activities, excluding the sale of merchandise or storing of merchandise on the premises.

QUICK VEHICLE SERVICING: A business providing service to the motoring public. Such uses can include gasoline sales, light repair, tune-ups, oil changes, transmission or drive train repairs to automobiles or light trucks. No outside storage of any automobiles or materials such as tires, auto parts, etc., is allowable. The sale of motor vehicles shall be prohibited[.]

RECREATIONAL VEHICLE: A motorized vehicle, designed or maintained for use as a temporary dwelling or sleeping place for travel or recreation purposes exclusively, having no foundation other than wheels or jacks.

RECREATIONAL VEHICLE PARK: A parcel of land which is used solely for the rental or lease of lots for transient campers, trailers, motor homes, or temporary parking of any other recreational vehicle that is not a mobile home or HUD-code manufactured home.

RECYCLING BUSINESS: A business that is primarily engaged in:

- A. Converting ferrous or nonferrous metals or other materials into raw material products having prepared grades and having an existing or potential economic value;
- B. Using raw material products of that kind in the production of new products; or
- C. Obtaining or storing ferrous or nonferrous metals or other materials for a purpose described by Paragraph A or B.

RESIDENCE: A building occupied as the abiding place of one (1) or more persons which contains sleeping quarters, all appliances for cooking, ventilating, heating or lighting, and which shall be the principal building on any lot in residential zoning districts.

RESTAURANT: A structure that prepares and serves food to customers, including sit down, fast food, drive-through, and drive-in facilities.

RETAIL SALES AND SERVICE: A business established for the sale of goods or services to consumers, usually in small quantities (as opposed to wholesale) and does not include wholesale goods or services.

ROOM: A building or portion of a building which is arranged, occupied, or intended to be occupied as living or sleeping quarters, but not including toilet or cooking facilities.

SALVAGE YARD: Any lot or parcel of land on which wastes or used secondhand materials are bought, sold, exchanged, stored, processed, or handled. Materials include but are not limited to: scrap iron and other ferrous metals, paper; rags, rubber tires, bottles, discarded goods, machinery, or two (2) or more inoperable motor vehicles.

SANITARY LANDFILLS: A system of trash and garbage disposal in which the waste is buried between layers of earth.

SEXUALLY ORIENTED BUSINESS: Means:

- A. An adult arcade, adult bookstore, adult video store, adult novelty store, adult service establishment, adult cabaret, adult motel, adult theater, adult motion picture theater, escort agency, nude model business, sex parlor, or sexual encounter center, and/or
- B. Any establishment whose principal or primary business is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to its customers, and which is distinguished by or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas; or whose employees or customers appear in a state of nudity, semi-nudity, or simulated nudity.
- C. The term "sexually oriented business" shall not be construed to include:
 - 1. Any business operated by or employing licensed psychologists, licensed physical therapists, registered massage therapists, registered nurses, licensed athletic trainers in the practice of their professions;
 - 2. Any business operated by or employing licensed physicians or licensed chiropractors engaged in practicing the healing arts;

3. Any retail establishment whose principal or primary business is the offering of wearing apparel for sale to customers and which does not exhibit merchandise on live models; or
4. Any activity conducted or sponsored by any Texas Independent School District, licensed or accredited private school, or public or private college or university.

Please refer to Chapter 4, Article 4.1100 [article **4.10**] of the City of Azle Code of Ordinances for additional requirements and/or restrictions.

SEXUALLY ORIENTED BUSINESS- ADULT ARCADE: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.”

SEXUALLY ORIENTED BUSINESS - ADULT BOOKSTORE/ADULT VIDEO STORE:

- A. A commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:
 1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, slides, or other visual representations distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”; or
 2. Instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities.”
- B. For the purpose of this definition, a commercial establishment shall be considered to have as “one of its principal business purposes” the sale or rental of the materials described in subsection **(A)** above, if:
 1. The establishment makes use of a sign visible from any public street, whether located on or off the property of the establishment, advertising the availability at the establishment of any materials described in subsection (A);
 2. The establishment devotes more than thirty (30) percent of its total floor area which is open to the public to the display of items for sale or rental that are materials described in subsection (A);
 3. More than thirty (30) percent of the total number of items displayed for sale or rental by the establishment are materials described in subsection (A); or
 4. The establishment regularly maintains on the property for sale or rental materials described in subsection (A) whose total retail value is more than fifty (50) percent of the total retail value of all materials kept on the premises for sale or rental.

SEXUALLY ORIENTED BUSINESS - ADULT CABARET: A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- A. Persons who appear in a state of nudity; or
- B. Live performances which are distinguished or characterized by an emphasis on “specified sexual activities” or the exposure of “specified anatomical areas”; or
- C. Films, motion pictures, videocassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.”

SEXUALLY ORIENTED BUSINESS - ADULT MOTEL: A hotel, motel, or similar commercial establishment which:

- A. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
- B. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
- C. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

SEXUALLY ORIENTED BUSINESS - ADULT MOTION PICTURE THEATER: A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides, or similar photographic reproductions are regularly shown which are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

SEXUALLY ORIENTED BUSINESS - ADULT THEATER: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are distinguished or characterized by an emphasis on "specified sexual activities" or the exposure of "specified anatomical areas."

SPECIFIC USE PERMIT: A permit recommended by the Planning and Zoning Commission and authorized by the City Council for the use of land or structures in accordance to the provisions of this ordinance.

STREET: A public way between two (2) right-of-way lines, other than an alley or private drive, which has been dedicated or deeded to the public and accepted by the city for public use and affords a principal means of access (vehicular or otherwise) to property abutting thereon, as well as for utilities and sidewalks.

STORY: That part of a structure included between the surface of one (1) floor and the surface of the floor next above, or if there is no floor above, the part of the structure which is above the surface of the highest floor thereof. A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is the highest story having its interior floor surface not more than four (4) feet above the adjoining ground level. The standard height for a story is eleven (11) feet, six (6) inches.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a structure, such as bearing walls, columns, beams or girders, or any substantial changes in the roof or exterior walls excepting such repair or replacement as may be required for the safety of the structure, but not including openings in bearing walls as permitted by the city building code.

STRUCTURE: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, manufactured homes, walls, fences, and poster panels.

TRACT: An un-platted parcel of land described by metes and bounds and typically recorded in the County Deed Records.

VARIANCE: A modification or variation of the provisions of this ordinance, which may be approved by the Zoning Board of Adjustment as to a specific piece of property, in accordance with this ordinance.

VEHICLE: Every mechanical device in, upon, or by which any person or property is or may be transported or drawn upon a public highway except devices moved by human power or used exclusively

upon stationary rails or tracks.

VEHICLE STORAGE FACILITY: A garage, parking lot, or any type of facility used for the storing or parking of vehicles. The storing or selling of vehicle parts, the removal of vehicle parts from stored vehicles, and the repair or reconstruction of vehicles is prohibited. A vehicle storage facility does not include an “automobile graveyard” as defined in Section 391.001, Texas Transportation Code.

WHOLESALE NURSERIES: An area where plants are grown for transplanting, for use as stocks for budding and grafting, or for sale in large quantities for resale purposes. The business may have up to fifty (50) percent retail sales in conjunction with the wholesale sales[.]

WIND GENERATOR: Is a machine that, powered by the energy of the wind, to power an electrical generator for making electricity.

WRECKER SERVICE: A wrecker or tow truck operator registered as such with the State of Texas.

YARD: An open space at grade between a structure and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except driveways and sidewalks and as otherwise provided.

YARD, FRONT: An open, unoccupied landscaped space on a lot facing a street between a building and a street line.

YARD, LAKE: A yard on a lot in a Lake Front Overlay District which is located between the structure and the property line which abuts the lake.

YARD, REAR: A yard between the rear lot line and the rear line of the main structure and the side lot lines.

YARD, SIDE: A yard between the structure and the side line of the lot and extending from the front yard to the required minimum rear yard.

ZONING ADMINISTRATOR: The administrator or the designee, appointed by the City Manager, to enforce and administer the terms of this ordinance. The individual whose decisions and interpretations may be appealed to the Zoning Board of Adjustment.



Presenter: Tom Muir, City Manager

Agenda Item: Economic incentives

Background and Explanation:

Councilmember Nelson requested a discussion on economic incentives offered to prospective businesses.

Board/Commission/Committee Recommendation:

N/A.

Staff Recommendation:

N/A.

Attachments:

None