

**RICHARDSON CITY COUNCIL
MONDAY, MARCH 26, 2018
WORK SESSION AT 6:00 PM; COUNCIL MEETING AT 7:00 PM
CIVIC CENTER/CITY HALL, 411 W. ARAPAHO, RICHARDSON, TX**

The Richardson City Council will conduct a Work Session at 6:00 p.m. on Monday, March 26, 2018 in the Richardson Room of the Civic Center, 411 W. Arapaho Road, Richardson, Texas. The Work Session will be followed by a Council Meeting at 7:00 p.m. in the Council Chambers. Council will reconvene the Work Session following the Council Meeting if necessary.

As authorized by Section 551.071 (2) of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed herein.

WORK SESSION – 6:00 PM, RICHARDSON ROOM

• **CALL TO ORDER**

A. REVIEW AND DISCUSS ITEMS LISTED ON THE CITY COUNCIL MEETING AGENDA

The City Council will have an opportunity to preview items listed on the Council Meeting agenda for action and discuss with City Staff.

B. REVIEW AND DISCUSS THE 2018 GENERAL OBLIGATION BONDS AND CERTIFICATES OF OBLIGATION SALE

C. REVIEW AND DISCUSS UPDATE ON PUBLIC ART PROJECTS

D. REPORT ON ITEMS OF COMMUNITY INTEREST

The City Council will have an opportunity to address items of community interest, including: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the City of Richardson; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the City of Richardson that was attended or is scheduled to be attended by a member of the City Council or an official or employee of the City of Richardson; and announcements involving an imminent threat to the public health and safety of people in the City of Richardson that has arisen after posting the agenda.

COUNCIL MEETING – 7:00 PM, COUNCIL CHAMBERS

1. INVOCATION – MARK SOLOMON

2. PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS – MARK SOLOMON

3. MINUTES OF THE FEBRUARY 26, 2018, MARCH 5, 2018, AND MARCH 19, 2018 MEETINGS

4. VISITORS

The City Council invites citizens to address the Council on any topic not already scheduled for Public Hearing. Citizens wishing to speak should complete a “City Council Appearance Card” and present it to the City Secretary prior to the meeting. Speakers are limited to 5 minutes and should conduct themselves in a civil manner. In accordance with the Texas Open Meetings Act, the City Council cannot take action on items not listed on the agenda. However, your concerns will be addressed by City Staff, may be placed on a future agenda, or by some other course of response.

ACTION ITEMS:

5. CONSIDER ALL MATTERS INCIDENT AND RELATED TO THE ISSUANCE AND SALE OF "CITY OF RICHARDSON, TEXAS, GENERAL OBLIGATION BONDS, SERIES 2018", INCLUDING THE ADOPTION OF ORDINANCE NO. 4243, AUTHORIZING THE ISSUANCE OF SUCH BONDS.
6. CONSIDER ALL MATTERS INCIDENT AND RELATED TO THE ISSUANCE AND SALE OF "CITY OF RICHARDSON, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2018", INCLUDING THE ADOPTION OF ORDINANCE NO. 4244, AUTHORIZING THE ISSUANCE OF SUCH CERTIFICATES OF OBLIGATION.

PUBLIC HEARING ITEMS:

7. PUBLIC HEARING, ZONING FILE 17-28, A REQUEST BY CHRIS TORRES, REPRESENTING INK.CORPORATED, FOR APPROVAL OF A SPECIAL PERMIT FOR A COSMETIC TATTOOING ESTABLISHMENT LOCATED AT 304 S. COTTONWOOD DRIVE, BETWEEN W. BELT LINE ROAD AND STAGECOACH DRIVE, ON THE WEST SIDE OF S. COTTONWOOD DRIVE. THE PROPERTY IS CURRENTLY ZONED O-M OFFICE.
8. PUBLIC HEARING, ZONING FILE 18-01, A REQUEST BY LAURA COUCH, REPRESENTING THE VELVET SNOOT, TO AMEND AN EXISTING SPECIAL PERMIT FOR A SPECIAL PERMIT FOR A DOG DAYCARE AND BOARDING FACILITY LOCATED AT 1230 E. BELT LINE ROAD, BETWEEN S. GLENVILLE DRIVE AND S. PLANO ROAD, ON THE SOUTH SIDE OF E. BELT LINE ROAD. THE PROPERTY IS CURRENTLY ZONED LR-M(2) LOCAL RETAIL.
9. PUBLIC HEARING, ZONING FILE 18-07, A CITY-INITIATED REQUEST TO CONSIDER ADOPTION OF ORDINANCE NO. 4245, AMENDING ARTICLES I-XV OF THE FORMER TOWN OF BUCKINGHAM'S ZONING ORDINANCE.

10. CONSENT AGENDA:

All items listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion with no individual consideration. If individual consideration of an item is requested, it will be removed from the Consent Agenda and discussed separately.

- A. CONSIDER ADOPTION OF ORDINANCE NO. 4246, APPROVING A TARIFF AUTHORIZING AN ANNUAL RATE REVIEW MECHANISM ("RRM") AS A SUBSTITUTION FOR THE ANNUAL INTERIM RATE ADJUSTMENT PROCESS DEFINED BY SECTION 104.301 OF THE TEXAS UTILITIES CODE, AND AS NEGOTIATED BETWEEN ATMOS ENERGY CORP., MID-TEX DIVISION ("ATMOS MID-TEX" OR "COMPANY") AND THE STEERING COMMITTEE OF CITIES SERVED BY ATMOS; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE OPEN MEETINGS ACT; REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE.
- B. CONSIDER AWARD OF THE FOLLOWING BIDS:
 1. BID #32-18 – WE REQUEST AUTHORIZATION TO ISSUE AN ANNUAL REQUIREMENTS CONTRACT TO AND, INC. FOR INSTALLING IRRIGATION SYSTEMS PURSUANT TO UNIT PRICES.
 2. BID #43-18 – WE REQUEST AUTHORIZATION TO ISSUE A PURCHASE ORDER TO SAM PACK'S FIVE STAR FORD FOR THE COOPERATIVE PURCHASE OF VARIOUS VEHICLES FOR THE HEALTH DEPARTMENT (\$25,932.90), PARKS DEPARTMENT (\$114,990.35), POLICE DEPARTMENT (\$127,651), AND PUBLIC SERVICES DEPARTMENT (\$51,105.80) THROUGH THE STATE OF TEXAS CONTRACTS #071-A1 & #072-A1 FOR A TOTAL EXPENDITURE OF \$319,680.05.

3. BID #44-18 – WE REQUEST AUTHORIZATION TO ISSUE A PURCHASE ORDER TO CHASTANG ENTERPRISES, INC. FOR THE COOPERATIVE PURCHASE OF ONE (1) FRONT LOADER CHASSIS AND BODY FOR THE SOLID WASTE DEPARTMENT THROUGH THE LOCAL GOVERNMENT PURCHASING COOPERATIVE (“BUYBOARD”) CONTRACT #521-16 IN THE AMOUNT OF \$269,380.

C. AUTHORIZE THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 1 TO INCREASE AWARD OF BID #89-17 TO EASTEX TOWER, INC. FOR THE EASTSIDE II ART PIECE PROJECT INSTALLATION IN THE AMOUNT OF \$27,536.25 FOR A TOTAL OF \$82,112.

EXECUTIVE SESSION

In compliance with Section 551.087(1) and (2) of the Texas Government Code, Council will convene into a closed session to discuss the following:

- Deliberation Regarding Economic Development Negotiations
 - Commercial Development – Wyndham Ln./Renner Rd. Areas

RECONVENE INTO REGULAR SESSION

Council will reconvene into open session, and take action, if any, on matters discussed in Executive Session.

- **ADJOURN**

I CERTIFY THE ABOVE AGENDA WAS POSTED ON THE BULLETIN BOARD AT THE CIVIC CENTER/CITY HALL ON FRIDAY, MARCH 23, 2018, BY 5:00 P.M.

AIMEE NEMER, CITY SECRETARY

ACCOMMODATION REQUESTS FOR PERSONS WITH DISABILITIES SHOULD BE MADE AT LEAST 48 HOURS PRIOR TO THE MEETING BY CONTACTING TAYLOR LOUGH, ADA COORDINATOR, VIA PHONE AT 972 744-4208, VIA EMAIL AT ADACoordinator@COR.GOV, OR BY APPOINTMENT AT 411 W. ARAPAHO ROAD, RICHARDSON, TEXAS 75080.

PURSUANT TO SECTION 30.06 PENAL CODE (TRESPASS BY HOLDER WITH A CONCEALED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A CONCEALED HANDGUN.

PURSUANT TO SECTION 30.07 PENAL CODE (TRESPASS BY HOLDER WITH AN OPENLY CARRIED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A HANDGUN THAT IS CARRIED OPENLY.

FOR THE PURPOSE OF THIS NOTICE “PROPERTY” SHALL MEAN THE RICHARDSON ROOM AND COUNCIL CHAMBERS.



City of Richardson
City Council Worksession
Agenda Item Summary



Worksession Meeting Date:	Monday, March 26, 2018
Agenda Item:	2018 General Obligation Bonds and Certificates of Obligation Sale
Staff Resource:	Keith Dagen, Director of Finance
Summary:	Representatives from the City's Financial Advisors (Hilltop Securities, formerly known as First Southwest Company) will review the city's issuance of: 1) General Obligation Bonds, Series 2018; and 2) Combination Tax and Revenue Certificates of Obligation, Series 2018.
City Council Strategic Goals:	The agenda helps further the following City Council Strategic Goals: <ul style="list-style-type: none">• Enhance the quality of life of our stakeholders• Effective and efficient management of city finances
Background Information:	<p>The 2017-2018 Budget included the issuance of debt for Year Three of the 2015 GO Bond Program, as well as a CO supplement for various infrastructure improvements and the annual issuance of CO's for the City's Capital Improvement Plan, vehicles and equipment.</p> <p>This Monday's presentation will provide the results of the final pricing. Two separate ordinances must be approved to complete the sale.</p>
Financial Implications:	As discussed during the 2017-2018 Budget adoption process, the City is able to issue the debt without a tax rate increase.



City of Richardson
City Council Worksession
Agenda Item Summary



Worksession Meeting Date:	Monday, March 26, 2018
Agenda Item:	Review and Discuss Update on Public Art Projects
Staff Resource:	Shanna Sims-Bradish, Assistant City Manager
Summary:	City staff will present an update on 2018 public art projects.
City Council Strategic Goals:	The agenda help further the following City Council Strategic Goals: <ul style="list-style-type: none">• Enhance the quality of life of our stakeholders
Background Information:	City staff will present an update on three key public art projects; installation of a public art piece at Eastside, developing a public art concept for Fire Station #3 and beginning the installation of public art pieces at the Public Safety Campus.
Financial Implications:	Funding was provided through Hotel/Motel Fund, TIF #1 Fund, developer contributions and 2015 General Obligation debt funding for the construction of a Public Safety Campus and Fire Station #3.

MINUTES
RICHARDSON CITY COUNCIL
WORK SESSION AND MEETING
FEBRUARY 26, 2018

• **Call to Order**

Mayor Voelker called the meeting to order at 6:01 p.m. with the following Council members present:

Paul Voelker	Mayor
Mark Solomon	Mayor Pro Tem
Bob Dubey	Councilmember
Scott Dunn	Councilmember
Mabel Simpson	Councilmember
Steve Mitchell	Councilmember

Absent:

Marta Gómez Frey	Councilmember
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The following staff members were also present:

Dan Johnson	City Manager
Don Magner	First Assistant City Manager
Kent Pfeil	Chief Financial Officer
Cliff Miller	Assistant City Manager Development Services
Shanna Sims-Bradish	Assistant City Manager Admin/Leisure Services
Aimee Nemer	City Secretary
Taylor Lough	Assistant to the City Manager
Michael Spicer	Director of Development Services
Doug McDonald	Incoming Planning Projects Manager
Sam Chaves	Assistant Director of Development Services
Keith Krum	Senior Planner

The following consultants were present:

Scott Page, Principal, Interface Studio, LLC
Stacey Chen, Senior Associate, Interface Studio, LLC
Kevin Hively, Principal, Ninigret Partners
Dan Hennessey, P.E., Director of Transportation Engineering, Big Red Dog Engineering

WORK SESSION – 6:00 PM, RICHARDSON ROOM

A. REVIEW AND DISCUSS ITEMS LISTED ON THE CITY COUNCIL MEETING AGENDA

Mr. Johnson, City Manager, reviewed item 5A from the Consent Agenda explaining that this is an ordinance that will increase the senior property tax exemption to \$85,000.00.

B. INTRODUCTION OF THE CONSULTANT TEAM FOR THE COLLINS-ARAPAHO TOD/ INNOVATION DISTRICT STUDY

Michael Spicer, Director of Development Services, introduced city staff and consultants. The consultants gave background and examples of their experience, discussed the timeline of the project, and the process and deliverables for the study.

Following the consultant presentation, Council recessed the Work Session to begin the Council Meeting. The Council Meeting was adjourned at 7:16 p.m. and the Work Session was reconvened at 7:22 p.m.

C. REPORT ON ITEMS OF COMMUNITY INTEREST

Mayor Pro Tem Solomon reported on the J.J. Pearce boys basketball team being in the quarter finals.

Councilmember Dunn reported on the 52nd Annual Richardson Symphony League Debutante Ball. Mayor Pro Tem Solomon acknowledged that Councilmember Dunn and his wife were the honorary chairs of the event.

Councilmember Dubey commented on all the various Chinese New Year celebrations that Council has attended, stating it is the Year of the Dog.

Mayor Voelker congratulated Ms. Cynthia Marshall, former AT&T executive, to being named interim CEO for the Dallas Mavericks.

Mayor Voelker also informed Council of the passing of former Mayor Martha Ritter and her spouse who passed separately. He stated memorial services would be held March 26 at 4:00 p.m. at the First United Methodist Church of Richardson. Mayor Voelker commented that Mayor Ritter was a courageous politician who helped the Bush Turnpike project come to fruition despite criticism about that decision.

COUNCIL MEETING – 7:00 PM, COUNCIL CHAMBERS

- 1. INVOCATION – BOB DUBEY**
- 2. PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS – BOB DUBEY**
- 3. MINUTES OF THE FEBRUARY 12, 2018 MEETING**

Council Action

Councilmember Dubey moved to approve the Minutes as presented. Councilmember Simpson seconded the motion. A vote was taken and passed, 6-0 with Councilmember Frey absent.

4. VISITORS

Mr. David Stotts, 320 Robin Way, addressed Council regarding the Home Improvement Incentive Program and the notification process. He explained that he was not made aware of the program prior to renovations on his home. Mayor Voelker informed him that staff would be happy to discuss this matter with him.

5. CONSENT AGENDA:

- A. CONSIDER ADOPTION OF ORDINANCE NO. 4242, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 12, ARTICLE I, SECTION 12-4,**

TO ADOPT AN INCREASE IN THE AMOUNT OF THE RESIDENCE HOMESTEAD EXEMPTION FOR INDIVIDUALS SIXTY-FIVE (65) YEARS OF AGE OR OLDER, AND FOR INDIVIDUALS WHO ARE DISABLED, FROM EIGHTY THOUSAND DOLLARS (\$80,000.00) TO EIGHTY FIVE THOUSAND DOLLARS (\$85,000.00).

Council Action

Mayor Pro Tem Solomon requested to remove Item 5A from the Consent Agenda for individual consideration. Council commented on the work of staff being proactive to identify that an increase is needed and the fact that local control allows the City to make these adjustments for residents. Mayor Pro Tem Solomon moved to approve the ordinance as presented. Councilmember Mitchell seconded the motion. A vote was taken and passed, 6-0 with Councilmember Frey absent.

B. CONSIDER AWARD OF THE FOLLOWING BIDS:

- 1. BID #35-18 – WE REQUEST AUTHORIZATION TO ISSUE AN ANNUAL REQUIREMENTS CONTRACT TO SUNBELT POOLS, INC. FOR POOL MANAGEMENT PURSUANT TO UNIT PRICES.**

- 2. BID #40-18 – WE REQUEST AUTHORIZATION TO ISSUE COOPERATIVE ANNUAL REQUIREMENTS CONTRACTS IN ESTIMATED AMOUNTS FOR AUTOMOTIVE PARTS TO O'REILLY AUTO PARTS (\$50,000) THROUGH THE LOCAL GOVERNMENT PURCHASING COOPERATIVE ("BUYBOARD") CONTRACT #551-17 AND TIRES, TUBES, SUPPLIES AND EQUIPMENT TO SOUTHERN TIRE MART (\$100,000), THE GOODYEAR TIRE AND RUBBER COMPANY (\$100,000), AND MICHELIN NORTH AMERICA (\$50,000) THROUGH BUYBOARD CONTRACT #553-18.**

Council Action

Councilmember Mitchell moved to approve the remaining Consent Agenda. Councilmember Solomon seconded the motion. A vote was taken and passed, 6-0 with Councilmember Frey absent.

ADJOURNMENT

With no further business, the meeting was adjourned at 8:01 p.m.

MAYOR

ATTEST:

CITY SECRETARY

MINUTES
RICHARDSON CITY COUNCIL
WORK SESSION MEETING
MARCH 5, 2018

- **Call to Order**

Mayor Voelker called the meeting to order at 6:00 p.m. with the following Council members present:

Paul Voelker	Mayor
Mark Solomon	Mayor Pro Tem
Bob Dubey	Councilmember
Scott Dunn	Councilmember
Mabel Simpson	Councilmember
Marta Gómez Frey	Councilmember
Steve Mitchell	Councilmember

The following staff members were also present:

Dan Johnson	City Manager
Don Magner	First Assistant City Manager
Kent Pfeil	Chief Financial Officer
Cliff Miller	Assistant City Manager Development Services
Shanna Sims-Bradish	Assistant City Manager Admin/Leisure Services
Aimee Nemer	City Secretary
Taylor Lough	Assistant to the City Manager
Lori Smeby	Director of Parks and Recreation
Dan Steege	Chief Information Officer

Also attending:

Bill Sproull, President and CEO, Richardson Chamber of Commerce
John Jacobs, Executive Vice President, Economic Development, Chamber of Commerce
Mike Skelton, Vice President, Mayor's Office of International Business, Chamber
Amanda Rockow, Chairman, Chamber of Commerce
Luciana Artga-Nemtala, Marketing Manager, Chamber of Commerce
Shannon Skripka, Events Manager, Chamber of Commerce
Beth Kolman, Director of Economic Development, Chamber of Commerce

WORK SESSION – 6:00 PM, RICHARDSON ROOM

A. VISITORS

There were no visitors comments submitted.

B. REVIEW AND DISCUSS THE RICHARDSON ECONOMIC DEVELOPMENT PARTNERSHIP 2017 REPORT AND 2018 WORK PLAN

Bill Sproull, President and CEO of the Richardson Chamber of Commerce, and his team, provided the 2017 report as well as the 2018 work plan for the Richardson Economic Development Partnership including the following:

- Recruitment/Retention
- Renovated Properties/Capture Business
- Small Business/Entrepreneurship
- Workforce Development/Talent Strategies

- International Business
- Retail - Vacancy Trends
- New Developments
- East Arapaho/Collins Area
- 2018 Strategic Plan

C. REVIEW AND DISCUSS THE WILDFLOWER! ARTS AND MUSIC FESTIVAL ENTERTAINMENT LINEUP FOR 2018

Lori Smeby, Director of Parks and Recreation, reviewed the entertainment lineup for the 2018 Wildflower! Arts and Music Festival:

Friday, May 18th

Infinite Journey
 Starship
 Kool & The Gang
 Eve 6
 Spoon

Saturday, May 19th

Gin Blossoms
 Lifehouse
 The Goo Goo Dolls
 Switchfoot
 Jimmy Eat World

Sunday, May 20th

Reckless Kelly
 A Thousand Horses

Ms. Smeby also reviewed performances on the Singer Songwriter Stage, the Hill Performance Hall, and the Bud Light Stage.

D. REVIEW AND DISCUSS THE MICROSOFT OFFICE 365 LAUNCH AND LEGACY SYSTEM OVERVIEW

Dan Steege, Chief Information Officer, reviewed the implementation of Microsoft Office 365 and discussed plans for legacy software systems planning.

E. REPORT ON ITEMS OF COMMUNITY INTEREST

Councilmember Mitchell reminded everyone of the Primary Election and voting hours.

Councilmember Simpson stated that these elections are important and will determine the outcome in November.

Mayor Pro Tem Solomon commented on the Richardson Police Department Banquet and the Richardson Symphony Orchestra Young International Artistic Competition.

Mayor Voelker commented on the tribute to Officer David Sherrard at the Police Department Banquet.

ADJOURNMENT

With no further business, the meeting was adjourned at 7:31 p.m.

MAYOR

ATTEST:

CITY SECRETARY

MINUTES
RICHARDSON CITY COUNCIL
WORK SESSION AND MEETING
MARCH 19, 2018

- **Call to Order**

Mayor Voelker called the meeting to order at 6:00 p.m. with the following Council members present:

Paul Voelker	Mayor
Mark Solomon	Mayor Pro Tem
Bob Dubey	Councilmember
Scott Dunn	Councilmember
Marta Gómez Frey	Councilmember
Steve Mitchell	Councilmember

Absent:

Mabel Simpson	Councilmember
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The following staff members were also present:

Dan Johnson	City Manager
Don Magner	First Assistant City Manager
Kent Pfeil	Chief Financial Officer
Cliff Miller	Assistant City Manager Development Services
Shanna Sims-Bradish	Assistant City Manager Admin/Leisure Services
Aimee Nemer	City Secretary
Taylor Lough	Assistant to the City Manager
Greg Sowell	Director of Communications
Brian Davis	Chief Information Security Officer
Michael Spicer	Director of Development Services
Dave Carter	Assistant Director of Development Services

Also attending:

Dan Hennessey, P.E., Director of Transportation Engineering, Big Red Dog Engineering

WORK SESSION – 6:00 PM, RICHARDSON ROOM

A. VISITORS

There were no visitors comments submitted. Chief Spivey introduced Police Captain Gary Tittle.

B. REVIEW AND DISCUSS SIGNAL SYSTEM EFFECTIVENESS STUDY KICKOFF

Michael Spicer, Director of Development Services, reviewed this item for Council explaining the following:

- Richardson is in the process of upgrading its traffic signal controllers, cabinets and traffic management system software.

- A City wide signal timing update was last performed in 2009 with refinements in 2014 along Coit and 2017 around CityLine.
- NCTCOG's Regional Signal Timing and Minor Improvements Program has selected Richardson to be part of the next funded timing update in 2018/2019 starting this Fall.

Mr. Spicer introduced consultant Dan Hennessy, Big Red Dog Engineering, who reviewed a traffic study that will be conducted prior to the NCTCOG study.

- Scope to include data collection/existing conditions, interviews with staff/council, corridor evaluations, comparison to other cities, equipment and technology assessment, recommendations, and report to City Council.

C. REVIEW AND DISCUSS THE ATMOS ENERGY RATE REVIEW ACTION

Brian Davis, Chief Information Security Officer, briefed Council on this item explaining that the Atmos Cities Steering Committee recommends that all member cities exercising original jurisdiction over gas rates adopt ordinances implementing the new RRM tariff. Staff concurs, and recommends the adoption of the proposed ordinance, implementing the tariff to continue the RRM process as negotiated.

D. REVIEW AND DISCUSS THE COMMUNICATIONS STRATEGIES EVALUATION PROJECT

Greg Sowell, Director of Communications, briefed Council on the implementation of a community survey related to communications activities explaining that results will be used to identify needs and opportunities; develop proposals for enhancements to programs, projects, and/or services; and create a baseline for future performance comparisons.

E. REVIEW AND DISCUSS CITY COUNCIL CHAMBER AUDIO/VIDEO UPGRADE PROJECT

Greg Sowell, Director of Communications, briefed Council on the Audio/Visual upgrades for the Council Chambers, Richardson Room, and the CITV transmission room.

F. REVIEW AND DISCUSS MAIN STREET AREA PROJECTS

Don Magner, First Assistant City Manager, updated Council on the Public Safety Campus and Main Street Infrastructure projects. He also provided an overview of a minor variation to the Main Street Cross Section which will provide for additional amenities in the area and create a template for additional public and private investment.

G. ACTION ITEM:

CONSIDER AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO NEGOTIATE AND EXECUTE ON BEHALF OF THE CITY OF RICHARDSON, TEXAS, CONTRACTS, ASSIGNMENT OF CONTRACTS, LEASES, LICENSES OR SUCH OTHER AGREEMENTS, ASSIGNMENTS, AMENDMENTS, AND DOCUMENTS THE CITY MANAGER DETERMINES TO BE REASONABLE AND NECESSARY FOR THE PERFORMANCE OF THE CITY'S OBLIGATIONS FOR THE ACQUISITION AND USE OF REAL PROPERTY RELATED TO THE CONSTRUCTION OF THE MAIN STREET INFRASTRUCTURE PROJECT.

Council Action

Councilmember Dubey moved to authorize the City Manager or designee to negotiate and execute on behalf of the City of Richardson, Texas, contracts, assignment of contracts, leases, licenses or such other agreements, assignments, amendments, and documents the City Manager determines to be reasonable and necessary for the performance of the City’s obligations for the acquisition and use of real property related to the construction of the Main Street Infrastructure Project. Councilmember Frey seconded the motion. A vote was taken and passed, 6-0 with Councilmember Simpson absent.

H. REPORT ON ITEMS OF COMMUNITY INTEREST

Councilmember Dunn acknowledged Bill McCalpin and Chris Halicki for making the 93 mile round trip around Belt Line Road.

Councilmember Frey noted the Tri-County Hispanic Chamber of Commerce event and the Network of Community Ministries 2nd Annual Be a Gem event hosted by Pampillonia Jewelers.

ADJOURNMENT

With no further business, the meeting was adjourned at 8:15 p.m.

MAYOR

ATTEST:

CITY SECRETARY

ORDINANCE NO. 4243

AN ORDINANCE authorizing the issuance of “CITY OF RICHARDSON, TEXAS, GENERAL OBLIGATION BONDS, SERIES 2018,” specifying the terms and features of said bonds; levying a continuing direct annual ad valorem tax for the payment of said bonds; and resolving other matters incident and related to the issuance, sale, payment and delivery of said bonds, including the approval and execution of a Paying Agent/Registrar Agreement and the approval and distribution of a Preliminary Official Statement and an Official Statement pertaining thereto; and providing an effective date.

WHEREAS, the City Council (the “City Council”) of the City of Richardson, Texas (the “City”), finds and determines that \$_____ in principal amount of general obligation bonds approved and authorized to be issued at an election held on November 3, 2015, should be issued and sold at this time pursuant to Texas Government Code, Chapter 1331, as amended; a summary of the general obligation bonds authorized at said election and at the election held on December 6, 1997, the principal amounts authorized, amounts heretofore issued and amounts remaining to be issued subsequent hereto being as follows:

<u>Purpose</u>	<u>Date Approved</u>	<u>Principal Amount Approved (\$)</u>	<u>Amounts Previously Issued (\$)</u>	<u>Amounts Being Issued (\$)</u>	<u>*Premium Applied (\$)</u>	<u>Amounts Remaining (\$)</u>
Streets & Drainage	12/06/97	33,428,959	33,425,000	0	0	3,959
Sidewalks & Bridges	12/06/97	7,445,209	7,445,000	0	0	209
Parks & Recreation	12/06/97	17,948,716	14,910,000	0	0	3,038,716
Public Buildings	12/06/97	19,176,435	19,175,000	0	0	1,435
Municipal Public Buildings	11/03/15	67,000,000	6,880,000			
Streets & Drainage	11/03/15	38,570,000	1,260,000			
Park & Recreational Facilities	11/03/15	7,230,000	90,000			
Sidewalks	11/03/15	<u>2,200,000</u>	<u>270,000</u>	<u>0</u>	<u>0</u>	<u>1,430,000</u>
		192,999,319	83,455,000	0	0	1,430,000

*Original issue premium in the amount of \$_____ which the City has allocated to and applied against the ___ voted authorization referenced in the above table results in a total amount of \$_____ allocated to and applied against the ___ voted authorization.

AND WHEREAS, the City Council hereby reserves and retains the right to issue the balance of unissued bonds approved at said elections in one or more installments when, in the judgment of the City Council, funds are needed to accomplish the purposes for which such bonds were voted, and now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHARDSON:

Section 1: Authorization - Designation - Principal Amount - Purpose. General obligation bonds of the City shall be and are hereby authorized to be issued in the aggregate principal amount of \$_____ to be designated and bear the title "CITY OF RICHARDSON, TEXAS, GENERAL OBLIGATION BONDS, SERIES 2018" (hereinafter referred to as the "Bonds"), for the purpose of providing funds for (1) permanent public improvements and public purposes, to wit: (i) constructing, improving, renovating, expanding and equipping municipal public buildings and the acquisition of land therefor, (ii) acquiring, constructing, improving and maintaining streets, thoroughfares, alleyways and sidewalks within the City including related storm drainage improvements, traffic signalization and signage, traffic management equipment, creek erosion, bridge and culvert improvements and utility relocations and the acquisition of land therefor, (iii) acquiring, constructing, improving, expanding, renovating and equipping park and recreation facilities of the City and the acquisition of land therefor and (2) to pay the costs of issuance, all in accordance with authority conferred by and in conformity with the Constitution and laws of the State of Texas, including Chapter 1331 of the Texas Government Code, as amended.

Section 2: Fully Registered Obligations - Bond Date - Authorized Denominations - Stated Maturities - Interest Rates. The Bonds shall be issued as fully registered obligations only, shall be dated the initial date of delivery of the Bonds, anticipated to be April 25, 2018 (the "Issue Date"), shall be in denominations of \$5,000 or any integral multiple (within a Stated Maturity) thereof, and shall become due and payable on February 15 in each of the years and in principal amounts (the "Stated Maturities") and bear interest at the rate(s) per annum in accordance with the following schedule:

<u>Year of Stated Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2019	\$_____	_____ %
2020		
2021		
2022		
2023		
2024		
2025		
2026		
2027		
2028		
2029		
2030		
2031		
2032		
2033		
2034		
2035		
2036		
2037		
2038		

Bonds shall bear interest on the unpaid principal amounts from the Issue Date at the rate(s) per annum shown above in this Section (calculated on the basis of a 360-day year consisting of twelve

30-day months). Interest on the Bonds shall be payable on February 15 and August 15 in each year until maturity or prior redemption, commencing February 15, 2019.

Section 3: Terms of Payment - Paying Agent/Registrar. The principal of, premium, if any, and the interest on the Bonds, due and payable by reason of maturity, redemption or otherwise, shall be payable only to the registered owners or holders of the Bonds (hereinafter called the "Holders") appearing on the Security Register (defined below) for the Bonds maintained by the Paying Agent/Registrar, and the payment thereof shall be in any coin or currency of the United States of America, which at the time of payment is legal tender for the payment of public and private debts, and shall be without exchange or collection charges to the Holders.

The selection and appointment of Regions Bank, Houston, Texas to serve as Paying Agent/Registrar for the Bonds is hereby confirmed and approved, and the City agrees and covenants to cause to be kept and maintained by the Paying Agent/Registrar books and records for the registration, payment and transfer of the Bonds (the "Security Register"), all as provided herein, in accordance with the terms and provisions of a "Paying Agent/Registrar Agreement" substantially in the form attached hereto as **Exhibit A** and such reasonable rules and regulations as the Paying Agent/Registrar and City may prescribe; and the Mayor or Mayor Pro Tem and City Secretary are authorized to execute and deliver such Agreement in connection with the delivery of the Bonds. The City covenants to maintain and provide a Paying Agent/Registrar at all times until the Bonds are paid and discharged, and any successor Paying Agent/Registrar shall be a commercial bank, trust company, financial institution or other entity qualified and authorized to serve in such capacity and perform the duties and services of Paying Agent/Registrar. Upon any change in the Paying Agent/Registrar for the Bonds, the City agrees to promptly cause a written notice thereof to be sent to each Holder by United States Mail, first class postage prepaid, which notice shall also give the address of the new Paying Agent/Registrar.

Principal of and premium, if any, on the Bonds shall be payable at their Stated Maturities or upon their earlier redemption only upon presentation and surrender to the Paying Agent/Registrar at its designated offices initially in Birmingham, Alabama; or, with respect to a successor Paying/Agent Registrar, at the designated offices of such successor (the "Designated Payment/Transfer Office"). Interest on the Bonds shall be paid to the Holders whose names appear in the Security Register at the close of business on the Record Date (the last business day of the month next preceding each interest payment date) and shall be paid by the Paying Agent/Registrar (i) by check sent United States Mail, first class postage prepaid, to the address of the Holder recorded in the Security Register or (ii) by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Holder. If the date for the payment of the Bonds shall be a Saturday, Sunday, legal holiday or a day when banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by law or executive order to be closed, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday or day when banking institutions are authorized to be closed; and payment on such date shall have the same force and effect as if made on the original date payment was due.

In the event of a non-payment of interest on one or more maturities on a scheduled payment date on the Bonds, and for thirty (30) days thereafter, a new record date for such interest payment for such maturity or maturities (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be fifteen (15) days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States Mail, first class postage

prepaid, to the address of each Holder of the Bonds appearing on the Security Register at the close of business on the last business day next preceding the date of mailing of such notice.

Section 4: Redemption.

(a) Optional Redemption. The Bonds having Stated Maturities on and after February 15, 2028, shall be subject to redemption prior to maturity, at the option of the City, in whole or in part in principal amounts of \$5,000 or any integral multiple thereof (and if within a Stated Maturity by lot by the Paying Agent/Registrar), on February 15, 2027 or on any date thereafter at the redemption price of par, together with accrued interest to the redemption date.

(b) Exercise of Redemption Option. At least forty-five (45) days prior to an optional redemption date (unless a shorter notification period shall be satisfactory to the Paying Agent/Registrar), the City shall notify the Paying Agent/Registrar of its decision to exercise the right to redeem Bonds, the principal amount of each Stated Maturity to be redeemed and the date set for the redemption thereof.

(c) Selection of Bonds for Redemption. If less than all Outstanding Bonds of the same Stated Maturity are to be redeemed on a redemption date, the Paying Agent/Registrar shall treat such Bonds as representing the number of Bonds Outstanding which is obtained by dividing the principal amount by \$5,000 and shall select the Bonds, or principal amounts thereof, to be redeemed within such Stated Maturity by lot.

(d) Notice of Redemption. Not less than thirty (30) days prior to a redemption date for the Bonds, a notice of redemption shall be sent by United States Mail, first class postage prepaid, in the name of the City and at the City's expense, to each Holder of a Bond to be redeemed in whole or in part at the address of the Holder appearing on the Security Register at the close of business on the last business day next preceding the date of mailing such notice, and any notice of redemption so mailed shall be conclusively presumed to have been duly given irrespective of whether received by the Holder.

All notices of redemption shall (i) specify the date of redemption for the Bonds, (ii) identify the Bonds to be redeemed and, in the case of a portion of the principal amount to be redeemed, the principal amount thereof to be redeemed, (iii) state the redemption price, (iv) state that the Bonds, or the portion of the principal amount to be redeemed, shall become due and payable on the redemption date specified, and the accruing of interest shall cease from and after the redemption date, and (v) specify that payment of the redemption price for the Bonds, or the principal amount to be redeemed, shall be made at the Designated Payment/Transfer Office of the Paying Agent/Registrar only upon presentation and surrender of the Bonds to be redeemed, in whole or in part, by the Holder. If a Bond is subject by its terms to prior redemption and has been called for redemption and notice of redemption has been duly given or waived as herein provided, such Bond (or the principal amount to be redeemed) shall become due and payable, and interest thereon shall cease to accrue from and after the redemption date therefor, provided moneys sufficient for the payment of such Bond (or of the principal amount thereof to be redeemed) at the then applicable redemption price are held for the purpose of such payment by the Paying Agent/Registrar.

(e) Conditional Notice of Redemption. With respect to any optional redemption of the Bonds, unless moneys sufficient to pay the principal of and premium, if any, and interest on the Bonds to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice may state that said redemption may, at the option of

the City, be conditional upon receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon the satisfaction of any prerequisites set forth in such notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Bonds have not been redeemed.

Section 5: Registration - Transfer - Exchange of Bonds - Predecessor Bonds. A Security Register relating to the registration, payment and transfer or exchange of the Bonds shall at all times be kept and maintained by the City at the Designated Payment/Transfer Office of the Paying Agent/Registrar and at a place within the State of Texas, as provided herein and in accordance with the provisions of an agreement with the Paying Agent/Registrar and such rules and regulations as the Paying Agent/Registrar and the City may prescribe. The Paying Agent/Registrar shall obtain, record and maintain in the Security Register the name and address of each Holder of the Bonds issued under and pursuant to the provisions of this Ordinance. Any Bond may, in accordance with its terms and the terms hereof, be transferred or exchanged for Bonds of like kind, of other authorized denominations upon the Security Register by the Holder, in person or by his duly authorized agent, upon surrender of such Bond to the Paying Agent/Registrar for cancellation, accompanied by a written instrument of transfer or request for exchange duly executed by the Holder or by his duly authorized agent, in form satisfactory to the Paying Agent/Registrar.

Upon surrender of any Bond (other than the Initial Bond(s) authorized in Section 8 hereof) for transfer at the Designated Payment/Transfer Office of the Paying Agent/Registrar, the Paying Agent/Registrar shall register and deliver, in the name of the designated assignee or transferee of the previous Holder, one or more new Bonds of authorized denominations and of like Stated Maturity and of a like aggregate principal amount as the Bond or Bonds surrendered for transfer.

At the option of the Holder, Bonds (other than the Initial Bond(s) authorized in Section 8 hereof) may be exchanged for other Bonds of authorized denominations and having the same Stated Maturity, bearing the same rate of interest and of like aggregate principal amount as the Bonds surrendered for exchange, upon surrender of the Bonds to be exchanged at the Designated Payment/Transfer Office of the Paying Agent/ Registrar. Whenever any Bonds are surrendered for exchange, the Paying Agent/Registrar shall register and deliver new Bonds to the Holder requesting the exchange.

All Bonds issued upon any such transfer or exchange shall be delivered at the Designated Payment/Transfer Office of the Paying Agent/Registrar, or sent by United States Mail, first class postage prepaid, to the Holder and, upon the delivery thereof, the same shall be valid obligations of the City, evidencing the same obligation to pay, and entitled to the same benefits under this Ordinance, as the Bonds surrendered in such transfer or exchange.

All transfers or exchanges of Bonds pursuant to this Section shall be made without expense or service charge to the Holder, except as otherwise herein provided, and except that the Paying Agent/Registrar shall require payment by the Holder requesting such transfer or exchange of any tax or other governmental charges required to be paid with respect to such transfer or exchange.

Bonds cancelled by reason of an exchange or transfer pursuant to the provisions hereof are hereby defined to be "Predecessor Bonds", evidencing all or a portion, as the case may be,

of the same obligation to pay evidenced by the Bond or Bonds registered and delivered in the exchange or transfer therefor. Additionally, the term "Predecessor Bonds" shall include any mutilated, lost, destroyed or stolen Bond for which a replacement Bond has been issued, registered and delivered in lieu thereof pursuant to Section 11 hereof and such new replacement Bond shall be deemed to evidence the same obligation as the mutilated, lost, destroyed or stolen Bond.

Neither the City nor the Paying Agent/Registrar shall be required to transfer or exchange any Bond called for redemption, in whole or in part, within forty-five (45) days of the date fixed for redemption of such Bond; provided, however, such limitation on transferability shall not be applicable to an exchange by the Holder of the unredeemed balance of a Bond called for redemption in part.

Section 6: Book-Entry-Only Transfers and Transactions. Notwithstanding the provisions contained herein relating to the payment, redemption and transfer/exchange of the Bonds, the City hereby approves and authorizes the use of "Book-Entry-Only" securities clearance, settlement and transfer system provided by The Depository Trust Company ("DTC"), a limited purpose trust company organized under the laws of the State of New York, in accordance with the requirements and procedures identified in the current DTC Operational Arrangements memorandum as amended, the Blanket Issuer Letter of Representations, by and between the City and DTC, and the Letter of Representation from the Paying Agent/Registrar to DTC (collectively, the "Depository Agreement").

Pursuant to the Depository Agreement and the rules of DTC, the Bonds shall be deposited with DTC, who shall hold said Bonds for its participants (the "DTC Participants"). While the Bonds are held by DTC under the Depository Agreement, the Holder of the Bonds on the Security Register for all purposes, including payment and notices, shall be Cede & Co., as nominee of DTC, notwithstanding the ownership of each actual purchaser or owner of each Bond (the "Beneficial Owners") being recorded in the records of DTC and DTC Participants.

In the event DTC determines to discontinue serving as securities depository for the Bonds or otherwise ceases to provide book-entry clearance and settlement of securities transactions in general, or the City decides to discontinue use of the system of book-entry transfers through DTC, the City covenants and agrees with the Holders of the Bonds to cause Bonds to be printed in definitive form and provide for the Bond certificates to be issued and delivered to DTC Participants and Beneficial Owners, as the case may be. Thereafter, the Bonds in definitive form shall be assigned, transferred and exchanged on the Security Register maintained by the Paying Agent/Registrar, and payment of such Bonds shall be made in accordance with the provisions of Sections 3, 4 and 5 hereof.

Section 7: Execution - Registration. The Bonds shall be executed on behalf of the City by the Mayor under its seal reproduced or impressed thereon and countersigned by the City Secretary. The signature of said officers and the seal of the City on the Bonds may be manual or facsimile. Bonds bearing the manual or facsimile signatures of individuals who are or were the proper officers of the City on the Issue Date shall be deemed to be duly executed on behalf of the City, notwithstanding that such individuals, or either of them, shall cease to hold such offices at the time of delivery of the Bonds to the initial purchaser(s) and with respect to Bonds delivered in subsequent exchanges and transfers, all as authorized and provided in Texas Government Code, Chapter 1201, as amended.

No Bond shall be entitled to any right or benefit under this Ordinance, or be valid or obligatory for any purpose, unless there appears on such Bond either a certificate of registration substantially in the form provided in Section 9(c), manually executed by the Comptroller of Public Accounts of the State of Texas or his or her duly authorized agent, or a certificate of registration substantially in the form provided in Section 9(d), manually executed by an authorized officer, employee or representative of the Paying Agent/Registrar, and either such certificate upon any Bond duly signed shall be conclusive evidence, and the only evidence, that such Bond has been duly certified, registered and delivered.

Section 8: Initial Bond(s). The Bonds herein authorized shall be initially issued either (i) as a single fully registered bond in the total principal amount shown in Section 1 hereof with principal installments to become due and payable as provided in Section 2 hereof and numbered T-1, or (ii) as one bond for each year of maturity in the applicable principal amount and denomination and to be numbered consecutively from T-1 and upward (hereinafter called the "Initial Bond(s)") and, in either case, the Initial Bond(s) shall be registered in the name of the initial purchaser(s) or the designee thereof. The Initial Bond(s) shall be the Bonds submitted to the Office of the Attorney General of the State of Texas for approval, certified and registered by the Office of the Comptroller of Public Accounts of the State of Texas and delivered to the initial purchaser(s). Any time after the delivery of the Initial Bond(s), the Paying Agent/Registrar, pursuant to written instructions from the initial purchaser(s), or the designee thereof, shall cancel the Initial Bond(s) delivered hereunder and exchange therefor definitive Bonds of authorized denominations, Stated Maturities, principal amounts and bearing applicable interest rates for transfer and delivery to the Holders named at the addresses identified therefor; all pursuant to and in accordance with such written instructions from the initial purchaser(s), or the designee thereof, and such other information and documentation as the Paying Agent/Registrar may reasonably require.

Section 9: Forms.

(a) Forms Generally. The Bonds, the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the Registration Certificate of the Paying Agent/Registrar and the form of Assignment to be printed on each of the Bonds, shall be substantially in the forms set forth in this Section with such appropriate insertions, omissions, substitutions and other variations as are permitted or required by this Ordinance and may have such letters, numbers or other marks of identification (including identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including insurance legends in the event the Bonds, or any maturities thereof, are purchased with insurance and any reproduction of an opinion of counsel) thereon as may, consistently herewith, be established by the City or determined by the officers executing such Bonds as evidenced by their execution thereof. Any portion of the text of any Bonds may be set forth on the reverse thereof, with an appropriate reference thereto on the face of the Bond.

The definitive Bonds and the Initial Bond shall be printed, lithographed, engraved, typewritten, photocopied or otherwise reproduced in any other similar manner, all as determined by the officers executing such Bonds as evidenced by their execution thereof.

The City may provide (i) for the issuance of one fully registered Bond for each Stated Maturity in the aggregate principal amount of each Stated Maturity and (ii) for the registration of such Bonds in the name of a securities depository, or the nominee thereof. While the Bond is registered in the name of a securities depository or its nominee, references herein and in the

Bonds to the Holder or registered owner of such Bonds shall mean the securities depository or its nominee and shall not mean any other person.

(b) Form of Definitive Bond.

REGISTERED
NO. R-_____

REGISTERED
\$_____

UNITED STATES OF AMERICA
STATE OF TEXAS
CITY OF RICHARDSON, TEXAS
GENERAL OBLIGATION BOND
SERIES 2018

Issue Date:	Interest Rate:	Stated Maturity:	CUSIP No.:
April 25, 2018	_____	_____	_____

Registered Owner:

Principal Amount: DOLLARS

The City of Richardson (hereinafter referred to as the "City"), a body corporate and municipal corporation in the Counties of Dallas and Collin, State of Texas, for value received, acknowledges itself indebted to and hereby promises to pay to the Registered Owner named above, or the registered assigns thereof (the "Registered Owner"), on the Stated Maturity date specified above, the Principal Amount hereinabove stated (or so much thereof as shall not have been paid upon prior redemption), and to pay interest on the unpaid principal amount hereof from the interest payment date next preceding the "Registration Date" of this Bond appearing below (unless this Bond bears a "Registration Date" as of an interest payment date, in which case it shall bear interest from such date, or unless the "Registration Date" of this Bond is prior to the initial interest payment date in which case it shall bear interest from the Issue Date) at the per annum rate of interest specified above computed on the basis of a 360-day year consisting of twelve 30-day months; such interest being payable on February 15 and August 15 in each year, until maturity or prior redemption, commencing February 15, 2019. Principal of this Bond is payable at its Stated Maturity or date of redemption to the Registered Owner hereof, upon presentation and surrender, at the Designated Payment/Transfer Office of the Paying Agent/Registrar executing the registration certificate appearing hereon, or its successor. Interest is payable to the Registered Owner of this Bond (or one or more Predecessor Bonds, as defined in the Ordinance hereinafter referenced) whose name appears on the "Security Register" maintained by the Paying Agent/Registrar at the close of business on the "Record Date", which is the last business day of the month next preceding each interest payment date, and interest shall be paid by the Paying Agent/Registrar by check sent United States Mail, first class postage prepaid, to the address of the Registered Owner recorded in the Security Register or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Registered Owner. If the date for the payment of the Bonds shall be a Saturday, Sunday, legal holiday or a day when banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by law or executive order to be closed, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday or day when banking institutions are authorized to be closed; and payment on such date shall have the same force and effect as if made on the original date payment was due. All

payments of principal of, premium, if any, and interest on this Bond shall be without exchange or collection charges to the Registered Owner hereof and in any coin or currency of the United States of America, which at the time of payment is legal tender for the payment of public and private debts.

This Bond is one of the series specified in its title issued in the aggregate principal amount of \$_____ (herein referred to as the "Bonds") for the purpose of providing funds for (1) permanent public improvements and public purposes, to wit: (i) constructing, improving, renovating, expanding and equipping municipal public buildings and the acquisition of land therefor, (ii) acquiring, constructing, improving and maintaining streets, thoroughfares, alleyways and sidewalks within the City including related storm drainage improvements, traffic signalization and signage, traffic management equipment, creek erosion, bridge and culvert improvements and utility relocations and the acquisition of land therefor, and (iii) acquiring, constructing, improving, expanding, renovating and equipping park and recreation facilities of the City and the acquisition of land therefor; and (2) to pay the costs of issuance, all in accordance with authority conferred by and in conformity with the Constitution and laws of the State of Texas, including Texas Government Code, Chapter 1331, as amended, and pursuant to an ordinance adopted by the City Council of the City (herein referred to as the "Ordinance").

The Bonds maturing on and after February 15, 2028, may be redeemed prior to their Stated Maturities, at the option of the City, in whole or in part in principal amounts of \$5,000 or any integral multiple thereof (and if within a Stated Maturity by lot by the Paying Agent/Registrar), on February 15, 2027, or on any date thereafter, at the redemption price of par, together with accrued interest to the date of redemption and upon thirty (30) days prior written notice being sent by United States Mail, first class postage prepaid, to the Registered Owners of the Bonds to be redeemed, and subject to the terms and provisions relating thereto contained in the Ordinance. If this Bond (or any portion of the principal sum hereof) shall have been duly called for redemption and notice of such redemption duly given, then upon such redemption date this Bond (or the portion of the principal sum hereof to be redeemed) shall become due and payable, and interest thereon shall cease to accrue from and after the redemption date therefor, provided moneys for the payment of the redemption price and the interest on the principal amount to be redeemed to the date of redemption are held for the purpose of such payment by the Paying Agent/Registrar.

In the event of a partial redemption of the principal amount of this Bond, payment of the redemption price of such principal amount shall be made to the Registered Owner only upon presentation and surrender of this Bond to the Paying Agent/Registrar at its Designated Payment/Transfer Office, and there shall be issued to the Registered Owner hereof, without charge, a new Bond or Bonds of like maturity and interest rate in any authorized denominations provided by the Ordinance for the then unredeemed balance of the principal sum hereof. If this Bond is selected for redemption, in whole or in part, the City and the Paying Agent/Registrar shall not be required to transfer this Bond to an assignee of the Registered Owner within forty-five (45) days of the redemption date therefor; provided, however, such limitation on transferability shall not be applicable to an exchange by the Registered Owner of the unredeemed balance hereof in the event of its redemption in part.

With respect to any optional redemption of the Bonds, unless moneys sufficient to pay the principal of and premium, if any, and interest on the Bonds to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice may state that said redemption may, at the option of the City, be conditional upon receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon the satisfaction of any prerequisites set forth in such notice of redemption. If a conditional

notice of redemption is given and such prerequisites to the redemption and sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Bonds have not been redeemed.

The Bonds are payable from the proceeds of an ad valorem tax levied, within the limitations prescribed by law, upon all taxable property in the City. Reference is hereby made to the Ordinance, a copy of which is on file in the Designated Payment/Transfer Office of the Paying Agent/Registrar, and to all of the provisions of which the Registered Owner of this Bond by the acceptance hereof hereby assents, for definitions of terms; the description of and the nature and extent of the tax levied for the payment of the Bonds; the terms and conditions relating to the transfer or exchange of this Bond; the conditions upon which the Ordinance may be amended or supplemented with or without the consent of the Registered Owners; the rights, duties and obligations of the City and the Paying Agent/Registrar; the terms and provisions upon which this Bond may be discharged at or prior to its maturity or redemption, and deemed to be no longer Outstanding thereunder; and for other terms and provisions contained therein. Capitalized terms used herein and not otherwise defined have the meanings assigned in the Ordinance.

This Bond, subject to certain limitations contained in the Ordinance, may be transferred on the Security Register only upon its presentation and surrender at the Designated Payment/Transfer Office of the Paying Agent/Registrar, with the Assignment hereon duly endorsed by, or accompanied by a written instrument of transfer in form satisfactory to the Paying Agent/Registrar duly executed by, the Registered Owner hereof, or his or her duly authorized agent. When a transfer on the Security Register occurs, one or more new fully registered Bonds of the same Stated Maturity, of authorized denominations, bearing the same rate of interest and of the same aggregate principal amount will be issued by the Paying Agent/Registrar to the designated transferee or transferees.

The City and the Paying Agent/Registrar, and any agent of either, shall treat the Registered Owner whose name appears on the Security Register (i) on the Record Date as the owner entitled to payment of interest hereon, (ii) on the date of surrender of this Bond as the owner entitled to payment of principal hereof at its Stated Maturity or its redemption, in whole or in part, and (iii) on any other date as the owner for all other purposes, and neither the City nor the Paying Agent/Registrar, or any agent of either, shall be affected by notice to the contrary. In the event of nonpayment of interest on a scheduled payment date and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be fifteen (15) days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States Mail, first class postage prepaid, to the address of each Registered Owner appearing on the Security Register at the close of business on the last business day next preceding the date of mailing of such notice.

It is hereby certified, recited, represented and declared that the City is a body corporate and political subdivision duly organized and legally existing under and by virtue of the Constitution and laws of the State of Texas; that the issuance of the Bonds is duly authorized by law; that all acts, conditions and things required to exist and be done precedent to and in the issuance of the Bonds to render the same lawful and valid obligations of the City have been properly done, have happened and have been performed in regular and due time, form and manner as required by the Constitution and laws of the State of Texas, and the Ordinance; that the Bonds do not exceed any Constitutional or statutory limitation; and that due provision has been made for the payment

of the principal of and interest on the Bonds by the levy of a tax as aforesated. In case any provision in this Bond shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby. The terms and provisions of this Bond and the Ordinance shall be construed in accordance with and shall be governed by the laws of the State of Texas.

IN WITNESS WHEREOF, the City Council of the City has caused this Bond to be duly executed under the official seal of the City as of the Issue Date.

CITY OF RICHARDSON, TEXAS

Mayor

COUNTERSIGNED:

City Secretary

(SEAL)

(c) Form of Registration Certificate of Comptroller of Public Accounts to appear on Initial Bond only.

REGISTRATION CERTIFICATE OF
COMPTROLLER OF PUBLIC ACCOUNTS

OFFICE OF THE COMPTROLLER (((REGISTER NO. _____
OF PUBLIC ACCOUNTS (((_____
THE STATE OF TEXAS (((_____

I HEREBY CERTIFY that this Bond has been examined, certified as to validity and approved by the Attorney General of the State of Texas, and duly registered by the Comptroller of Public Accounts of the State of Texas.

WITNESS my signature and seal of office this _____.

Comptroller of Public Accounts
of the State of Texas

(SEAL)

(d) Form of Certificate of Paying Agent/Registrar to appear on Definitive Bonds only.

REGISTRATION CERTIFICATE OF PAYING AGENT/REGISTRAR

This Bond has been duly issued and registered under the provisions of the within mentioned Ordinance; the bond or bonds of the above entitled and designated series originally delivered having been approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts, as shown by the records of the Paying Agent/Registrar.

The office of the Paying Agent/Registrar in Birmingham, Alabama, is the Designated Payment/Transfer Office for this Bond.

REGIONS BANK, Houston, Texas,
as Paying Agent/Registrar

Registered this date:

By: _____
Authorized Signature

(e) Form of Assignment.

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto (Print or typewrite name, address and zip code of transferee): _____

(Social Security or other identifying number: _____)

_____) the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

DATED: _____

Signature guaranteed:

NOTICE: The signature on this assignment must correspond with the name of the Registered Owner as it appears on the face of the within Bond in every particular.

(f) The Initial Bond(s) shall be in the form set forth in paragraph (b) of this Section, except as follows:

Heading and the first paragraph shall be amended to read as follows:

NO. T-1

\$ _____

UNITED STATES OF AMERICA
STATE OF TEXAS
CITY OF RICHARDSON, TEXAS
GENERAL OBLIGATION BOND
SERIES 2018

Issue Date:
April 25, 2018

Registered Owner: _____

Principal Amount: _____ MILLION _____ HUNDRED _____ THOUSAND DOLLARS

The City of Richardson, Texas (hereinafter referred to as the "City"), a body corporate and municipal corporation in the Counties of Dallas and Collin, State of Texas, for value received, acknowledges itself indebted to and hereby promises to pay to the Registered Owner named above (the "Registered Owner"), or the registered assigns thereof, the Principal Amount hereinabove stated on February 15 in the years and in principal installments in accordance with the following schedule:

<u>YEAR OF MATURITY</u>	<u>PRINCIPAL INSTALLMENTS</u>	<u>INTEREST RATE</u>
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(Information to be inserted from schedule in Section 2 hereof)

(or so much thereof as shall not have been paid upon prior redemption) and to pay interest on the unpaid Principal Amount hereof from the interest payment date next preceding the "Registration Date" of this Bond appearing below (unless this Bond bears a "Registration Date" as of an interest payment date, in which case it shall bear interest from such date, or unless the "Registration Date" of this Bond is prior to the initial interest payment date in which case it shall bear interest from the Issue Date) at the per annum rate(s) of interest specified above, computed on the basis of a 360-day year consisting of twelve 30-day months; such interest being payable on February 15 and August 15 in each year until maturity or prior redemption, commencing February 15, 2019. Principal installments of this Bond are payable at its Stated Maturity or on a redemption date to the registered owner hereof by Regions Bank, Houston, Texas (the "Paying Agent/Registrar"), upon presentation and surrender, at its designated offices, initially in Birmingham, Alabama; or, with respect to a successor paying agent/registrar, at the designated offices of such successor (the "Designated Payment/Transfer Office"). Interest is payable to the registered owner of this Bond (or one or more Predecessor Bonds, as defined in the Ordinance hereinafter referenced) whose name appears on the "Security Register" maintained by the Paying Agent/Registrar at the close of business on the "Record Date", which is the last business day of the month next preceding each interest payment date, and interest shall be paid by the Paying Agent/Registrar by check sent United States Mail, first class postage prepaid, to the address of the Registered Owner recorded in the Security Register or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Registered Owner. If the date for the payment of the Bonds shall be a Saturday, Sunday, legal holiday or a day when banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by law or executive order to be closed, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday or day when banking institutions are authorized to be closed; and payment on such date shall have the same force and effect as if made on the original date payment was due. All

payments of principal of, premium, if any, and interest on this Bond shall be without exchange or collection charges to the owner hereof and in any coin or currency of the United States of America, which at the time of payment is legal tender for the payment of public and private debts.

Section 10: Levy of Taxes. To provide for the payment of the “Debt Service Requirements” of the Bonds, being (i) the interest on the Bonds and (ii) a sinking fund for their redemption at maturity or a sinking fund of 2% (whichever amount is the greater), there is hereby levied, and there shall be annually assessed and collected in due time, form and manner, a tax on all taxable property in the City, within the limitations prescribed by law, and such tax hereby levied on each one hundred dollars’ valuation of taxable property in the City for the Debt Service Requirements of the Bonds shall be at a rate from year to year as will be ample and sufficient to provide funds each year to pay the principal of and interest on said Bonds while Outstanding; full allowance being made for delinquencies and costs of collection; separate books and records relating to the receipt and disbursement of taxes levied, assessed and collected for and on account of the Bonds shall be kept and maintained by the City at all times while the Bonds are Outstanding, and the taxes collected for the payment of the Debt Service Requirements on the Bonds shall be deposited to the credit of a “SPECIAL SERIES 2018 GENERAL OBLIGATION BOND FUND” (the “Interest and Sinking Fund”) maintained on the records of the City and deposited in a special fund maintained at an official depository of the City’s funds; and such tax hereby levied, and to be assessed and collected annually, is hereby pledged to the payment of the Bonds.

The Mayor, Mayor Pro Tem, City Manager, First Assistant City Manager, Chief Financial Officer, Director of Finance and City Secretary of the City, individually or jointly, are hereby authorized and directed to cause to be transferred to the Paying Agent/Registrar for the Bonds, from funds on deposit in the Interest and Sinking Fund, amounts sufficient to fully pay and discharge promptly each installment of interest and principal of the Bonds as the same accrues or matures or comes due by reason of redemption prior to maturity; such transfers of funds to be made in such manner as will cause collected funds to be deposited with the Paying Agent/Registrar on or before each principal and interest payment date for the Bonds.

Section 11: Mutilated - Destroyed - Lost and Stolen Bonds. In case any Bond shall be mutilated, destroyed, lost or stolen, the Paying Agent/Registrar may execute and deliver a replacement Bond of like form and tenor, and in the same denomination and bearing a number not contemporaneously outstanding, in exchange and substitution for such mutilated Bond, or in lieu of and in substitution for such destroyed, lost or stolen Bond, only upon the approval of the City and after (i) the filing by the Holder thereof with the Paying Agent/Registrar of evidence satisfactory to the Paying Agent/Registrar of the destruction, loss or theft of such Bond, and of the authenticity of the ownership thereof and (ii) the furnishing to the Paying Agent/Registrar of indemnification in an amount satisfactory to hold the City and the Paying Agent/Registrar harmless. All expenses and charges associated with such indemnity and with the preparation, execution and delivery of a replacement Bond shall be borne by the Holder of the Bond mutilated, destroyed, lost or stolen.

Every replacement Bond issued pursuant to this Section shall be a valid and binding obligation of the City, and shall be entitled to all the benefits of this Ordinance equally and ratably with all other Outstanding Bonds; notwithstanding the enforceability of payment by anyone of the mutilated, destroyed, lost or stolen Bonds.

The provisions of this Section are exclusive and shall preclude (to the extent lawful) all other rights and remedies with respect to the replacement and payment of mutilated, destroyed, lost or stolen Bonds.

Section 12: Satisfaction of Obligation of City. If the City shall pay or cause to be paid, or there shall otherwise be paid to the Holders, the principal of, premium, if any, and interest on the Bonds, at the times and in the manner stipulated in this Ordinance, then the pledge of taxes levied under this Ordinance and all covenants, agreements and other obligations of the City to the Holders shall thereupon cease, terminate and be discharged and satisfied.

Bonds or any principal amount(s) thereof shall be deemed to have been paid within the meaning and with the effect expressed above in this Section when (i) money sufficient to pay in full such Bonds or the principal amount(s) thereof at maturity or to the redemption date therefor, together with all interest due thereon, shall have been irrevocably deposited with and held in trust by the Paying Agent/Registrar, or an authorized escrow agent, or (ii) Government Securities shall have been irrevocably deposited in trust with the Paying Agent/Registrar, or an authorized escrow agent, which Government Securities have been certified by an independent accounting firm to mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money, together with any moneys deposited therewith, if any, to pay when due the principal of and interest on such Bonds, or the principal amount(s) thereof, on and prior to the Stated Maturity thereof. The City covenants that no deposit of moneys or Government Securities will be made under this Section and no use made of any such deposit which would cause the Bonds to be treated as "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, or regulations adopted pursuant thereto.

Any moneys so deposited with the Paying Agent/Registrar, or an authorized escrow agent, and all income from Government Securities held in trust by the Paying Agent/Registrar, or an authorized escrow agent, pursuant to this Section which is not required for the payment of the Bonds, or any principal amount(s) thereof, or interest thereon with respect to which such moneys have been so deposited shall be remitted to the City or deposited as directed by the City. Furthermore, any money held by the Paying Agent/Registrar for the payment of the principal of and interest on the Bonds and remaining unclaimed for a period of three (3) years after the Stated Maturity, or applicable redemption date, of the Bonds such moneys were deposited and are held in trust to pay shall upon the request of the City be remitted to the City against a written receipt therefor. Notwithstanding the above and foregoing, any remittance of funds from the Paying Agent/Registrar to the City shall be subject to any applicable unclaimed property laws of the State of Texas.

The term "Government Securities", shall mean (i) direct, noncallable obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, (ii) noncallable obligations of an agency or instrumentality of the United States, including obligations unconditionally guaranteed or insured by the agency or instrumentality and, on the date of their acquisition or purchase by the City, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent, (iii) noncallable obligations of a state or an agency or a county, municipality or other political subdivision of a state that have been refunded and, on the date of their acquisition or purchase by the City, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent and (iv) any other then authorized securities or obligations that may be used to defease obligations such as the Bonds under the then applicable laws of the State of Texas.

Section 13: Ordinance a Contract - Amendments - Outstanding Bonds. This Ordinance shall constitute a contract with the Holders from time to time, be binding on the City, and shall not be amended or repealed by the City so long as any Bond remains Outstanding except as permitted in this Section and in Section 22. The City may, without the consent of or notice to any Holders, from time to time and at any time, amend this Ordinance in any manner not detrimental to the interests of the Holders, including the curing of any ambiguity, inconsistency, or formal defect or omission herein. In addition, the City may, with the consent of Holders holding a majority in aggregate principal amount of the Bonds then Outstanding affected thereby, amend, add to, or rescind any of the provisions of this Ordinance; provided that, without the consent of all Holders of Outstanding Bonds, no such amendment, addition, or rescission shall (1) extend the time or times of payment of the principal of, premium, if any, and interest on the Bonds, reduce the principal amount thereof, the redemption price therefor, or the rate of interest thereon, or in any other way modify the terms of payment of the principal of, premium, if any, or interest on the Bonds, (2) give any preference to any Bond over any other Bond, or (3) reduce the aggregate principal amount of Bonds required to be held by Holders for consent to any such amendment, addition, or rescission.

The term "Outstanding" when used in this Ordinance with respect to Bonds means, as of the date of determination, all Bonds theretofore issued and delivered under this Ordinance, except:

- (1) those Bonds cancelled by the Paying Agent/Registrar or delivered to the Paying Agent/Registrar for cancellation;
- (2) those Bonds deemed to be duly paid by the City in accordance with the provisions of Section 12 hereof; and
- (3) those mutilated, destroyed, lost or stolen Bonds which have been replaced with Bonds registered and delivered in lieu thereof as provided in Section 11 hereof.

Section 14: Covenants to Maintain Tax-Exempt Status.

(a) Definitions. When used in this Section, the following terms shall have the following meanings:

"*Closing Date*" means the date on which the Bonds are first authenticated and delivered to the initial purchasers against payment therefor.

"*Code*" means the Internal Revenue Code of 1986, as amended by all legislation, if any, effective on or before the Closing Date.

"*Computation Date*" has the meaning set forth in Section 1.148-1(b) of the Regulations.

"*Gross Proceeds*" means any proceeds, as defined in Section 1.148-1(b) of the Regulations, and any replacement proceeds, as defined in Section 1.148-1(c) of the Regulations, of the Bonds.

"*Investment*" has the meaning set forth in Section 1.148-1(b) of the Regulations.

“*Nonpurpose Investment*” means any investment property, as defined in Section 148(b) of the Code, in which Gross Proceeds of the Bonds are invested and which is not acquired to carry out the governmental purposes of the Bonds.

“*Rebate Amount*” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“*Regulations*” means any proposed, temporary or final Income Tax Regulations issued pursuant to Sections 103 and 141 through 150 of the Code, and 103 of the Internal Revenue Code of 1954, which are applicable to the Bonds. Any reference to any specific Regulation shall also mean, as appropriate, any proposed, temporary or final Income Tax Regulation designed to supplement, amend or replace the specific Regulation referenced.

“*Yield*” of (1) any Investment has the meaning set forth in Section 1.148-5 of the Regulations; and, (2) the Bonds has the meaning set forth in Section 1.148-4 of the Regulations.

(b) Not to Cause Interest to Become Taxable. The City shall not use, permit the use of, or omit to use Gross Proceeds or any other amounts (or any property the acquisition, construction or improvement of which is to be financed directly or indirectly with Gross Proceeds) in a manner which if made or omitted, respectively, would cause the interest on any Bond to become includable in the gross income, as defined in Section 61 of the Code, of the owner thereof for federal income tax purposes. Without limiting the generality of the foregoing, unless and until the City receives a written opinion of counsel nationally recognized in the field of municipal bond law to the effect that failure to comply with such covenant will not adversely affect the exemption from federal income tax of the interest on any Bond, the City shall comply with each of the specific covenants in this Section.

(c) No Private Use or Private Payments. Except as permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall at all times prior to the last Stated Maturity of Bonds:

- (1) exclusively own, operate and possess all property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with Gross Proceeds of the Bonds, and not use or permit the use of such Gross Proceeds (including all contractual arrangements with terms different than those applicable to the general public) or any property acquired, constructed or improved with such Gross Proceeds in any activity carried on by any person or entity (including the United States or any agency, department and instrumentality thereof) other than a state or local government, unless such use is solely as a member of the general public; and
- (2) not directly or indirectly impose or accept any charge or other payment by any person or entity who is treated as using Gross Proceeds of the Bonds or any property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with such Gross Proceeds, other than taxes of general application within the City or interest earned on investments acquired with such Gross Proceeds pending application for their intended purposes.

(d) No Private Loan. Except to the extent permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall not use Gross Proceeds of the Bonds to

make or finance loans to any person or entity other than a state or local government. For purposes of the foregoing covenant, such Gross Proceeds are considered to be “loaned” to a person or entity if: (1) property acquired, constructed or improved with such Gross Proceeds is sold or leased to such person or entity in a transaction which creates a debt for federal income tax purposes; (2) capacity in or service from such property is committed to such person or entity under a take or pay, output or similar contract or arrangement; or (3) indirect benefits, or burdens and benefits of ownership, of such Gross Proceeds or any property acquired, constructed or improved with such Gross Proceeds are otherwise transferred in a transaction which is the economic equivalent of a loan.

(e) Not to Invest at Higher Yield. Except to the extent permitted by Section 148 of the Code and the Regulations and rulings thereunder, the City shall not at any time prior to the final Stated Maturity of the Bonds directly or indirectly invest Gross Proceeds in any Investment (or use Gross Proceeds to replace money so invested) if, as a result of such investment, the Yield from the Closing Date of all Investments acquired with Gross Proceeds (or with money replaced thereby), whether then held or previously disposed of, exceeds the Yield of the Bonds.

(f) Not Federally Guaranteed. Except to the extent permitted by Section 149(b) of the Code and the Regulations and rulings thereunder, the City shall not take or omit to take any action which would cause the Bonds to be federally guaranteed within the meaning of Section 149(b) of the Code and the Regulations and rulings thereunder.

(g) Information Report. The City shall timely file the information required by Section 149(e) of the Code with the Secretary of the Treasury on Form 8038-G or such other form and in such place as the Secretary may prescribe.

(h) Rebate of Arbitrage Profits. Except to the extent otherwise provided in Section 148(f) of the Code and the Regulations and rulings thereunder:

- (1) The City shall account for all Gross Proceeds (including all receipts, expenditures and investments thereof) on its books of account separately and apart from all other funds (and receipts, expenditures and investments thereof) and shall retain all records of accounting for at least six years after the day on which the last outstanding Bond is discharged. However, to the extent permitted by law, the City may commingle Gross Proceeds of the Bonds with other money of the City, provided that the City separately accounts for each receipt and expenditure of Gross Proceeds and the obligations acquired therewith.
- (2) Not less frequently than each Computation Date, the City shall calculate the Rebate Amount in accordance with rules set forth in Section 148(f) of the Code and the Regulations and rulings thereunder. The City shall maintain such calculations with its official transcript of proceedings relating to the issuance of the Bonds until six years after the final Computation Date.
- (3) As additional consideration for the purchase of the Bonds by the Purchasers and the loan of the money represented thereby and in order to induce such purchase by measures designed to insure the excludability of the interest thereon from the gross income of the owners thereof for federal income tax purposes, the City shall pay to the United States out of the Interest and Sinking Fund or its general fund, as permitted by applicable Texas statute, regulation or opinion of the Attorney General of the State of Texas, the amount that when added to the future value of previous rebate payments

made for the Bonds equals (i) in the case of a Final Computation Date as defined in Section 1.148-3(e)(2) of the Regulations, one hundred percent (100%) of the Rebate Amount on such date; and (ii) in the case of any other Computation Date, ninety percent (90%) of the Rebate Amount on such date. In all cases, the rebate payments shall be made at the times, in the installments, to the place and in the manner as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder, and shall be accompanied by Form 8038-T or such other forms and information as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder.

- (4) The City shall exercise reasonable diligence to assure that no errors are made in the calculations and payments required by paragraphs (2) and (3), and if an error is made, to discover and promptly correct such error within a reasonable amount of time thereafter (and in all events within one hundred eighty (180) days after discovery of the error), including payment to the United States of any additional Rebate Amount owed to it, interest thereon, and any penalty imposed under Section 1.148-3(h) of the Regulations.

(i) Not to Divert Arbitrage Profits. Except to the extent permitted by Section 148 of the Code and the Regulations and rulings thereunder, the City shall not, at any time prior to the earlier of the Stated Maturity or final payment of the Bonds, enter into any transaction that reduces the amount required to be paid to the United States pursuant to Subsection (h) of this Section because such transaction results in a smaller profit or a larger loss than would have resulted if the transaction had been at arm's length and had the Yield of the Bonds not been relevant to either party.

(j) Elections. The City hereby directs and authorizes the Mayor, City Manager, First Assistant City Manager, Chief Financial Officer, Director of Finance and City Secretary, either or any combination of them, to make elections permitted or required pursuant to the provisions of the Code or the Regulations, as they deem necessary or appropriate in connection with the Bonds, in the Certificate as to Tax Exemption or similar or other appropriate certificate, form or document.

Section 15: Sale of Bonds –Official Statement Approval. Pursuant to a public sale for the Bonds, the bid submitted by _____ (herein referred to as the "Purchasers") is declared to be the best bid received producing the lowest true interest cost rate to the City, and the sale of the Bonds to said Purchaser at the price of par plus a cash premium of \$_____ is hereby determined to be in the best interests of the City and is approved and confirmed. Delivery of the Bonds to the Purchasers shall occur as soon as possible upon payment being made therefor in accordance with the terms of sale. The Initial Bond shall be registered as provided in the winning bid.

Furthermore, the Preliminary Official Statement prepared in connection with the public offering and sale of the Bonds is hereby ratified, confirmed and approved in all respects. The final Official Statement reflecting the terms of the sale (together with changes approved by the Mayor, Mayor Pro Tem, City Manager, First Assistant City Manager, Chief Financial Officer or Director of Finance, any one or more of said officials), shall be and is hereby approved as to form and content, and the Purchasers are hereby authorized to use and distribute said final Official Statement dated March 26, 2018, in the reoffering, sale and delivery of the Bonds to the public. The Mayor and City Secretary are further authorized to execute and deliver for and on behalf of the City copies of said Official Statement in final form as may be required by the Purchasers; and,

such Official Statement in the final form and content shall be deemed to be approved by the City Council and constitute the Official Statement authorized for distribution and use by the Purchasers.

Section 16: Control and Custody of Bonds. The Mayor of the City shall be and is hereby authorized to take and have charge of all necessary orders and records pending investigation by the Attorney General of the State of Texas, including the printing and supply of definitive Bonds, and shall take and have charge and control of the Initial Bond pending the approval thereof by the Attorney General, the registration thereof by the Comptroller of Public Accounts and the delivery thereof to the Purchasers.

Furthermore, the Mayor, City Manager, First Assistant City Manager, Chief Financial Officer, Director of Finance and City Secretary, any one or more of said officials, are hereby authorized and directed to furnish and execute such documents and certifications relating to the City and the issuance of the Bonds, including certifications as to facts, estimates, circumstances and reasonable expectations pertaining to the use, expenditure and investment of the proceeds of the Bonds, as may be necessary for the approval of the Attorney General, the registration by the Comptroller of Public Accounts and the delivery of the Bonds to the Purchasers, and, together with the City's financial advisor, bond counsel and the Paying Agent/Registrar, make the necessary arrangements for the delivery of the Initial Bond to the Purchasers and the initial exchange thereof for definitive Bonds.

Section 17: Proceeds of Sale. Immediately following the delivery of the Bonds, the proceeds of sale of the Bonds, excluding the amount which is to be used to pay the costs of issuance, shall be amount to be deposited with an official depository of the City to finance the permanent public improvements referenced in Section 1 hereof. The proceeds of sale of the Bonds not used for the payment of the aforesaid improvements shall be disbursed and deposited for the payment of costs of issuance. Any investment earnings realized shall be expended for such authorized projects and purposes or deposited in the Interest and Sinking Fund. All surplus proceeds of sale of the Bonds, including investment earnings, remaining after completion of all authorized projects or purposes shall be deposited to the credit of the Interest and Sinking Fund or, with regard to proceeds, to another fund later established for the payment of any of the Bonds. The \$_____ of premium received in connection with the sale of the Bonds shall be used as follows: \$_____ shall be used for the public improvements as referenced in Section 1 hereof and \$_____ shall be used for costs of issuance.

Section 18: Notices to Holders - Waiver. Wherever this Ordinance provides for notice to Holders of any event, such notice shall be sufficiently given (unless otherwise herein expressly provided) if in writing and sent by United States Mail, first class postage prepaid, to the address of each Holder appearing in the Security Register at the close of business on the business day next preceding the mailing of such notice.

In any case where notice to Holders is given by mail, neither the failure to mail such notice to any particular Holders, nor any defect in any notice so mailed, shall affect the sufficiency of such notice with respect to all other Bonds. Where this Ordinance provides for notice in any manner, such notice may be waived in writing by the Holder entitled to receive such notice, either before or after the event with respect to which such notice is given, and such waiver shall be the equivalent of such notice. Waivers of notice by Holders shall be filed with the Paying Agent/Registrar, but such filing shall not be a condition precedent to the validity of any action taken in reliance upon such waiver.

Section 19: Cancellation. All Bonds surrendered for payment, redemption, transfer, exchange or replacement, if surrendered to the Paying Agent/Registrar, shall be promptly cancelled by it and, if surrendered to the City, shall be delivered to the Paying Agent/Registrar and, if not already cancelled, shall be promptly cancelled by the Paying Agent/Registrar. The City may at any time deliver to the Paying Agent/Registrar for cancellation any Bonds previously certified or registered and delivered which the City may have acquired in any manner whatsoever, and all Bonds so delivered shall be promptly cancelled by the Paying Agent/Registrar. All cancelled Bonds held by the Paying Agent/Registrar shall be returned to the City.

Section 20: Legal Opinion. The Purchasers' obligation to accept delivery of the Bonds is subject to being furnished a final opinion of Norton Rose Fulbright US LLP, Dallas, Texas, Bond Counsel to the City, approving the Bonds as to their validity, said opinion to be dated and delivered as of the date of delivery and payment for the Bonds. A true and correct reproduction of said opinion or an executed counterpart thereof shall accompany the global Bonds deposited with DTC, or a reproduction thereof shall be printed on the definitive Bonds in the event the book-entry-only system shall be discontinued.

Section 21: CUSIP Numbers. CUSIP numbers may be printed or typed on the definitive Bonds. It is expressly provided, however, that the presence or absence of CUSIP numbers on the definitive Bonds shall be of no significance or effect as regards the legality thereof, and neither the City nor attorneys approving the Bonds as to legality are to be held responsible for CUSIP numbers incorrectly printed or typed on the definitive Bonds.

Section 22: Continuing Disclosure Undertaking.

(a) Definitions. As used in this Section, the following terms have the meanings ascribed to such terms below:

“*MSRB*” means the Municipal Securities Rulemaking Board.

“*Rule*” means SEC Rule 15c2-12, as amended from time to time.

“*SEC*” means the United States Securities and Exchange Commission.

(b) Annual Reports.

The City shall provide annually to the MSRB (1) within six months after the end of each fiscal year, beginning in or after 2018, financial information and operating data with respect to the City of the general type included under Tables numbered 1 through 6 and 8 through 17 of the Official Statement and (2) within twelve months after the end of each fiscal year ending in or after 2018, and if not provided as part of such financial information and operating data, audited financial statements of the City. Any financial statements so provided shall be prepared in accordance with the accounting principles described in Appendix B of the Official Statement hereto, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation, and audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided.

If the City changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document available to the public on the MSRB's Internet Web site or filed with the SEC.

(c) Notice of Certain Events.

The City shall provide notice of any of the following events with respect to the Bonds to the MSRB in a timely manner and not more than ten (10) business days after occurrence of the event:

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB), or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (7) Modifications to rights of holders of the Bonds, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the Bonds, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership, or similar event of the City, which shall occur as described below;
- (13) The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of its assets, other than in the ordinary course of business, the entry into of a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

For these purposes, any event described in the immediately preceding subsection (c)(12) is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer for the City in a proceeding under the United States Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such

jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement, or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City.

The City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with subsection (b) of this Section by the time required by such Section.

(d) Filings with the MSRB.

All financial information, operating data, financial statements, notices and other documents provided to the MSRB in accordance with this Section shall be provided in an electronic format prescribed by the MSRB and shall be accompanied by identifying information as prescribed by the MSRB.

(e) Limitations, Disclaimers, and Amendments.

The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an “obligated person” with respect to the Bonds within the meaning of the Rule, except that the City in any event will give the notice required by subsection (c) of this Section of any Bond calls and defeasance that cause the City to be no longer such an “obligated person.”

The provisions of this Section are for the sole benefit of the Holders and beneficial owners of the Bonds; and, nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section. Except as expressly provided within this Section, the City does not undertake to provide any other information, whether or not it may be relevant or material to a complete presentation of the City’s financial results, condition, or prospects; nor does the City undertake to update any information provided in accordance with this Section or otherwise. Furthermore, the City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

No default by the City in observing or performing its obligations under this Section shall constitute a breach of or default under this Ordinance for purposes of any other provision of this Ordinance.

Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

Notwithstanding anything herein to the contrary, the provisions of this Section may be amended by the City from time to time to adapt to changed circumstances resulting from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (2) either (a) the Holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the Outstanding Bonds consent to such amendment or (b) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the Holders and beneficial owners of the Bonds. The provisions of this Section may also be amended from time to time or repealed by the City if the SEC amends or repeals the applicable provisions of the Rule or a court of final jurisdiction determines that such provisions are invalid, but only if and to the extent that reservation of the City's right to do so would not prevent underwriters of the initial public offering of the Bonds from lawfully purchasing or selling Bonds in such offering. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided pursuant to subsection (b) of this Section an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided.

Section 23: Benefits of Ordinance. Nothing in this Ordinance, expressed or implied, is intended or shall be construed to confer upon any person other than the City, the Paying Agent/Registrar and the Holders, any right, remedy or claim, legal or equitable, under or by reason of this Ordinance or any provision hereof, and this Ordinance and all its provisions is intended to be and shall be for the sole and exclusive benefit of the City, the Paying Agent/Registrar and the Holders.

Section 24: Further Procedures. Any one or more of the Mayor, Mayor Pro Tem, City Manager, First Assistant City Manager, Chief Financial Officer, Director of Finance, and City Secretary are hereby expressly authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and on behalf of the City all agreements, instruments, certificates or other documents, whether mentioned herein or not, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance and the issuance of the Bonds. In addition, prior to the initial delivery of the Bonds, the Mayor, Mayor Pro Tem, City Manager, First Assistant City Manager, Chief Financial Officer, Director of Finance, City Secretary, or Bond Counsel to the City are each hereby authorized and directed to approve any changes or corrections to this Ordinance or to any of the documents authorized and approved by this Ordinance: (i) in order to cure any ambiguity, formal defect, or omission in the Ordinance or such other document; or (ii) as requested by the Attorney General of the State of Texas or his representative to obtain the approval of the Bonds by the Attorney General and if such officer or counsel determines that such changes are consistent with the intent and purpose of the Ordinance, which determination shall be final. In the event that any officer of the City whose signature shall appear on any document shall cease to be such officer before the delivery of such document, such signature nevertheless shall be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

Section 25: Inconsistent Provisions. All ordinances, orders or resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters contained herein.

Section 26: Governing Law. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 27: Effect of Headings. The Section headings herein are for convenience only and shall not affect the construction hereof.

Section 28: Construction of Terms. If appropriate in the context of this Ordinance, words of the singular number shall be considered to include the plural, words of the plural number shall be considered to include the singular, and words of the masculine, feminine or neuter gender shall be considered to include the other genders.

Section 29: Severability. If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 30: Incorporation of Findings and Determinations. The findings and determinations of the City Council contained in the preamble hereof are hereby incorporated by reference and made a part of this Ordinance for all purposes as if the same were restated in full in this Section.

Section 31: Public Meeting. It is officially found, determined and declared that the meeting at which this Ordinance 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 Ordinance, was given, all as required by Texas Government Code, Chapter 551, as amended.

Section 32: Effective Date. This Ordinance shall take effect and be in full force from and after its adoption on the date shown below in accordance with Texas Government Code, Section 1201.028.

[Remainder of page intentionally left blank]

PASSED AND ADOPTED, this March 26, 2018.

CITY OF RICHARDSON, TEXAS

Mayor

ATTEST:

City Secretary

(City Seal)

APPROVED AS TO FORM:

Robert D. Dransfield, Bond Counsel

EXHIBIT A
PAYING AGENT/REGISTRAR AGREEMENT

ORDINANCE NO. 4244

AN ORDINANCE authorizing the issuance of "CITY OF RICHARDSON, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2018"; providing for the payment of said certificates of obligation by the levy of an ad valorem tax upon all taxable property within the City and a limited pledge of the net revenues from the operation of the City's Waterworks and Sewer System; prescribing the terms and details of such Certificates and resolving other matters incident and related to the issuance, sale, security, payment and delivery of said Certificates, including the approval and execution of a Paying Agent/Registrar Agreement and the approval and distribution of a Preliminary Official Statement and an Official Statement pertaining thereto; and providing an effective date.

WHEREAS, notice of the City Council's intention to issue certificates of obligation in the maximum principal amount of \$36,000,000 for the purpose of paying contractual obligations to be incurred for (1) constructing, improving, renovating, expanding and equipping parks and recreation facilities, police and fire-fighting facilities, golf facilities, the library and municipal public buildings and the acquisition of land therefor; (2) acquiring, constructing, improving and maintaining streets, thoroughfares, alleyways and sidewalks within the City including related storm drainage improvements, traffic signalization and signage, traffic management equipment, creek erosion, bridge and culvert improvements and utility relocations and the acquisition of land therefor; (3) improving and extending the City's water and sewer system; (4) acquiring equipment and vehicles for police, fire, facility services, streets, parks and recreation, municipal library, animal services, the municipal golf course, information technology and solid waste departments and (5) professional services rendered in connection therewith, has been duly published in *The Dallas Morning News*, a newspaper hereby found and determined to be of general circulation in the City of Richardson, Texas, on February 16, 2018 and February 23, 2018, the date of the first publication of such notice being not less than thirty-one (31) days prior to the tentative date stated therein for the passage of the ordinance authorizing the issuance of such certificates; and

WHEREAS, no petition, protesting the issuance of such certificates and bearing valid petition signatures of at least five percent (5%) of the qualified voters of the City, has been filed with the City Secretary, any member of the City Council or any other official of the City on or prior to the date of the passage of this ordinance; and

WHEREAS, the City Council hereby finds and determines that all of the certificates of obligation described in such notice should be issued and sold at this time; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHARDSON:

SECTION 1. Authorization – Designation – Principal Amount – Purpose. Certificates of obligation of the City shall be and are hereby authorized to be issued in the aggregate principal amount of \$_____ to be designated and bear the title "CITY OF RICHARDSON, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2018" (the "Certificates"), for the purpose of paying contractual obligations to be incurred for (1) constructing, improving, renovating, expanding and equipping parks and recreation facilities, police and fire-fighting facilities, golf facilities, the library and municipal public buildings and the acquisition of land therefor; (2) acquiring, constructing, improving and maintaining streets, thoroughfares, alleyways and sidewalks within the City including related storm drainage improvements, traffic

signalization and signage, traffic management equipment, creek erosion, bridge and culvert improvements and utility relocations and the acquisition of land therefor; (3) improving and extending the City’s water and sewer system; (4) acquiring equipment and vehicles for police, fire, facility services, streets, parks and recreation, municipal library, animal services, the municipal golf course, information technology and solid waste departments and (5) professional services rendered in connection therewith; and, pursuant to authority conferred by and in conformity with the Constitution and laws of the State of Texas, including Texas Local Government Code, Subchapter C of Chapter 271, as amended.

SECTION 2. Fully Registered Obligations – Authorized Denominations – Stated Maturities – Date. The Certificates are issuable in fully registered form only; shall be dated the initial date of delivery of the Certificates, anticipated to be April 25, 2018 (the “Certificate Date”) and shall be in denominations of \$5,000 or any integral multiple thereof and the Certificates shall become due and payable on February 15 in each of the years and in principal amounts (the “Stated Maturities”) and bear interest at the per annum rate(s) in accordance with the following schedule:

<u>Year of Stated Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate(s)</u>
2019	\$_____	____%
2020		
2021		
2022		
2023		
2024		
2025		
2026		
2027		
2028		
2029		
2030		
2031		
2032		
2033		
2034		
2035		
2036		
2037		
2038		

Interest on the Certificates shall accrue from the Certificate Date at the per annum rate(s) shown above in this Section, and such interest shall be calculated on the basis of a 360-day year consisting of twelve 30-day months. Interest on the Certificates shall be payable on February 15 and August 15 in each year, commencing February 15, 2019, until maturity or prior redemption.

SECTION 3. Terms of Payment – Paying Agent/Registrar. The principal of, premium, if any, and the interest on the Certificates, due and payable by reason of maturity, redemption or otherwise, shall be payable only to the registered owners or holders of the Certificates (hereinafter called the “Holders”) appearing on the Security Register (defined below) maintained by the Paying Agent/Registrar and the payment thereof shall be in any coin or currency of the United States of

America, which at the time of payment is legal tender for the payment of public and private debts, and shall be without exchange or collection charges to the Holders.

The selection and appointment of Regions Bank, Houston, Texas to serve as Paying Agent/Registrar for the Certificates is hereby approved and confirmed and the City agrees and covenants to cause to be kept and maintained by the Paying Agent/Registrar books and records for the registration, payment and transfer of the Certificates (the "Security Register"), all as provided herein, in accordance with the terms and provisions of a "Paying Agent/Registrar Agreement" substantially in the form attached hereto as **Exhibit A** and such reasonable rules and regulations as the Paying Agent/Registrar and City may prescribe; and the Mayor or Mayor Pro Tem and City Secretary are authorized to execute and deliver such Agreement in connection with the delivery of the Certificates. The City covenants to maintain and provide a Paying Agent/Registrar at all times until the Certificates are paid and discharged, and any successor Paying Agent/Registrar shall be a commercial bank, trust company, financial institution or other entity qualified and authorized to serve in such capacity and perform the duties and services of Paying Agent/Registrar. Upon any change in the Paying Agent/Registrar for the Certificates, the City agrees to promptly cause a written notice thereof to be sent to each Holder by United States Mail, first class postage prepaid, which notice shall also give the address of the new Paying Agent/Registrar.

Principal of and premium, if any, on the Certificates shall be payable at the Stated Maturities or upon their earlier redemption only upon presentation and surrender of the Certificates to the Paying Agent/Registrar at its designated office initially in Birmingham, Alabama, or, with respect to a successor Paying Agent/Registrar, at the designated offices of such successor (the "Designated Payment/Transfer Office"). Interest on the Certificates shall be paid by the Paying Agent/Registrar to the Holders whose names appear in the Security Register at the close of business on the Record Date (the last business day of the month next preceding each interest payment date) and payment of such interest shall be (i) by check sent United States Mail, first class postage prepaid, to the address of the Holder recorded in the Security Register or (ii) by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Holder. If the date for the payment of the principal of or interest on the Certificates shall be a Saturday, Sunday, legal holiday or a day when banking institutions in the city where the Paying Agent/Registrar is located are authorized by law or executive order to be closed, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday or day when banking institutions are authorized to be closed; and payment on such date shall have the same force and effect as if made on the original date payment was due.

In the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be fifteen (15) days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States Mail, first class postage prepaid, to the address of each Holder appearing on the Security Register at the close of business on the last business day next preceding the date of mailing of such notice.

SECTION 4. Redemption.

(a) Optional Redemption. The Certificates having Stated Maturities on and after February 15, 2028, shall be subject to redemption prior to maturity, at the option of the City, in whole or in part in principal amounts of \$5,000 or any integral multiple thereof (and if within a Stated Maturity by lot by the Paying Agent/Registrar), on February 15, 2027 or on any date thereafter at the redemption price of par plus accrued interest to the date of redemption.

(b) Exercise of Redemption Option. At least forty-five (45) days prior to an optional redemption date for the Certificates (unless a shorter notification period shall be satisfactory to the Paying Agent/Registrar), the City shall notify the Paying Agent/Registrar of the decision to redeem Certificates, the principal amount of each Stated Maturity to be redeemed, and the date of redemption therefor.

(c) Selection of Certificates for Redemption. If less than all Outstanding Certificates of the same Stated Maturity are to be redeemed on a redemption date, the Paying Agent/Registrar shall treat such Certificates as representing the number of Certificates Outstanding which is obtained by dividing the principal amount of such Certificates by \$5,000 and shall select the Certificates, or principal amount thereof, to be redeemed within such Stated Maturity by lot.

(d) Notice of Redemption. Not less than thirty (30) days prior to a redemption date for the Certificates, a notice of redemption shall be sent by United States Mail, first class postage prepaid, in the name of the City and at the City's expense, to each Holder of a Certificate to be redeemed in whole or in part at the address of the Holder appearing on the Security Register at the close of business on the business day next preceding the date of mailing such notice, and any notice of redemption so mailed shall be conclusively presumed to have been duly given irrespective of whether received by the Holder.

All notices of redemption shall (i) specify the date of redemption for the Certificates, (ii) identify the Certificates to be redeemed and, in the case of a portion of the principal amount to be redeemed, the principal amount thereof to be redeemed, (iii) state the redemption price, (iv) state that the Certificates, or the portion of the principal amount thereof to be redeemed, shall become due and payable on the redemption date specified, and the interest thereon, or on the portion of the principal amount thereof to be redeemed, shall cease to accrue from and after the redemption date, and (v) specify that payment of the redemption price for the Certificates, or the principal amount thereof to be redeemed, shall be made at the Designated Payment/Transfer Office of the Paying Agent/Registrar only upon presentation and surrender thereof by the Holder. If a Certificate is subject by its terms to prior redemption and has been called for redemption and notice of redemption thereof has been duly given as hereinabove provided, such Certificate (or the principal amount thereof to be redeemed) shall become due and payable and interest thereon shall cease to accrue from and after the redemption date therefor; provided moneys sufficient for the payment of such Certificate (or of the principal amount thereof to be redeemed) at the then applicable redemption price are held for the purpose of such payment by the Paying Agent/Registrar.

(e) Conditional Notice of Redemption With respect to any optional redemption of the Certificates, unless moneys sufficient to pay the principal of and premium, if any, and interest on the Certificates to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice may state that said redemption may, at the option of the City, be conditional upon the receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon the satisfaction of any prerequisites set

forth in such notice of redemption; and, if sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Certificates and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Certificates have not been redeemed.

SECTION 5. Registration – Transfer – Exchange of Certificates – Predecessor Certificates. A Security Register relating to the registration, payment, and transfer or exchange of the Certificates shall at all times be kept and maintained by the City at the Designated Payment/Transfer Office of the Paying Agent/Registrar and at a place within the State of Texas, as provided herein and in accordance with the provisions of an agreement with the Paying Agent/Registrar and such rules and regulations as the Paying Agent/Registrar and the City may prescribe. The Paying Agent/Registrar shall obtain, record, and maintain in the Security Register the name and address of each and every Holder of the Certificates issued under and pursuant to the provisions of this Ordinance, or if appropriate, the nominee thereof. Any Certificate may be transferred or exchanged for Certificates of other authorized denominations by the Holder, in person or by his duly authorized agent, upon surrender of such Certificate to the Paying Agent/Registrar for cancellation, accompanied by a written instrument of transfer or request for exchange duly executed by the Holder or by his duly authorized agent, in form satisfactory to the Paying Agent/Registrar.

Upon surrender of any Certificate for transfer at the Designated Payment/Transfer Office of the Paying Agent/Registrar, the Paying Agent/Registrar shall register and deliver, in the name of the designated transferee or transferees, one or more new Certificates of authorized denominations and having the same Stated Maturity and of a like aggregate principal amount as the Certificate or Certificates surrendered for transfer.

At the option of the Holder, Certificates may be exchanged for other Certificates of authorized denominations and having the same Stated Maturity, bearing the same rate of interest and of like aggregate principal amount as the Certificates surrendered for exchange, upon surrender of the Certificates to be exchanged at the Designated Payment/Transfer Office of the Paying Agent/Registrar. Whenever any Certificates are surrendered for exchange, the Paying Agent/Registrar shall register and deliver new Certificates to the Holder requesting the exchange.

All Certificates issued in any transfer or exchange of Certificates shall be delivered to the Holders at the Designated Payment/Transfer Office of the Paying Agent/Registrar or sent by United States Mail, first class postage prepaid, to the Holders, and, upon the registration and delivery thereof, the same shall be the valid obligations of the City, evidencing the same obligation to pay, and entitled to the same benefits under this Ordinance, as the Certificates surrendered in such transfer or exchange.

All transfers or exchanges of Certificates pursuant to this Section shall be made without expense or service charge to the Holder, except as otherwise herein provided, and except that the Paying Agent/Registrar shall require payment by the Holder requesting such transfer or exchange of any tax or other governmental charges required to be paid with respect to such transfer or exchange.

Certificates cancelled by reason of an exchange or transfer pursuant to the provisions hereof are hereby defined to be "Predecessor Certificates", evidencing all or a portion, as the case may be, of the same obligation to pay evidenced by the new Certificate or Certificates registered and delivered in the exchange or transfer therefor. Additionally, the term "Predecessor Certificates" shall include any mutilated, lost, destroyed or stolen Certificate for which a

replacement Certificate has been issued, registered and delivered in lieu thereof pursuant to the provisions of Section 28 hereof and such new replacement Certificate shall be deemed to evidence the same obligation as the mutilated, lost, destroyed or stolen Certificate.

Neither the City nor the Paying Agent/Registrar shall be required to issue or transfer to an assignee of a Holder any Certificate called for redemption, in whole or in part, within forty-five (45) days of the date fixed for the redemption of such Certificate; provided, however, such limitation on transferability shall not be applicable to an exchange by the Holder of the unredeemed balance of a Certificate called for redemption in part.

SECTION 6. Book-Entry-Only Transfers and Transactions. Notwithstanding the provisions contained herein relating to the payment, and transfer/exchange of the Certificates, the City hereby approves and authorizes the use of "Book-Entry-Only" securities clearance, settlement and transfer system provided by The Depository Trust Company ("DTC"), a limited purpose trust company organized under the laws of the State of New York, in accordance with the requirements and procedures identified in the current DTC Operational Arrangements memorandum as amended, the Blanket Issuer Letter of Representations, by and between the City and DTC, and the Letter of Representations from the Paying Agent/Registrar to DTC (collectively, the "Depository Agreement").

Pursuant to the Depository Agreement and the rules of DTC, the Certificates shall be deposited with DTC who shall hold said Certificates for its participants (the "DTC Participants"). While the Certificates are held by DTC under the Depository Agreement, the Holder of the Certificates on the Security Register for all purposes, including payment and notices, shall be Cede & Co., as nominee of DTC, notwithstanding the ownership of each actual purchaser or owner of each Certificate (the "Beneficial Owners") being recorded in the records of DTC and DTC Participants.

In the event DTC determines to discontinue serving as securities depository for the Certificates or otherwise ceases to provide book-entry clearance and settlement of securities transactions in general, or the City decides to discontinue use of the system of book-entry transfers through DTC, the City covenants and agrees with the Holders of the Certificates to cause Certificates to be printed in definitive form and provide for the Certificates to be issued and delivered to DTC Participants and Beneficial Owners, as the case may be. Thereafter, the Certificates in definitive form shall be assigned, transferred and exchanged on the Security Register maintained by the Paying Agent/Registrar and payment of such Certificates shall be made in accordance with the provisions of Sections 3, 4, and 5 hereof.

SECTION 7. Execution – Registration. The Certificates shall be executed on behalf of the City by the Mayor under its seal reproduced or impressed thereon and countersigned by the City Secretary. The signature of said officers and the seal of the City on the Certificates may be manual or facsimile. Certificates bearing the manual or facsimile signatures of individuals who are or were the proper officers of the City on the Certificate Date shall be deemed to be duly executed on behalf of the City, notwithstanding that one or more of the individuals executing the same shall cease to be such officer at the time of delivery of the Certificates to the initial purchaser(s) and with respect to Certificates delivered in subsequent exchanges and transfers, all as authorized and provided in Chapter 1201 of the Texas Government Code, as amended.

No definitive Certificate shall be entitled to any right or benefit under this Ordinance, or be valid or obligatory for any purpose, unless there appears on such Certificate a certificate of registration substantially in the form provided in Section 9D, manually executed by an authorized

officer, employee or representative of the Paying Agent/Registrar, and such manually executed certificate upon any Certificate shall be conclusive evidence, and the only evidence, that such Certificate has been duly certified, registered and delivered.

No Initial Certificate shall be entitled to any right or benefit under this Ordinance or be valid or obligatory for any purpose unless there appears on such Initial Certificate a certificate of registration substantially in the form provided in Section 9C, manually executed by the Comptroller of Public Accounts of the State of Texas, or the duly authorized agent of said Comptroller.

SECTION 8. Initial Certificate(s). The Certificates herein authorized shall be initially issued as a single fully registered certificate in the aggregate principal amount shown in Section 1 hereof, with principal installments to become due and payable as provided in Section 2 hereof and numbered T-1, (hereinafter called the "Initial Certificate") and the Initial Certificate shall be registered in the name of the initial purchaser(s) or the designee thereof. The Initial Certificate shall be the Certificate submitted to the Office of the Attorney General of the State of Texas for approval, certified and registered by the Office of the Comptroller of Public Accounts of the State of Texas and delivered to the initial purchaser(s). Any time after the delivery of the Initial Certificate, the Paying Agent/Registrar, pursuant to written instructions from the initial purchaser(s), or the designee thereof, shall cancel the Initial Certificate delivered hereunder and exchange therefor definitive Certificates of authorized denominations, Stated Maturities, principal amounts and bearing applicable interest rates for transfer and delivery to the Holders named at the addresses identified therefor; all pursuant to and in accordance with such written instructions from the initial purchaser(s), or the designee thereof, and such other information and documentation as the Paying Agent/Registrar may reasonably require.

SECTION 9. Forms.

A. Forms Generally. The Certificates, the Registration Certificate of the Comptroller of Public Accounts of the State of Texas to appear on the Initial Certificate, the Registration Certificate of Paying Agent/Registrar to appear on the definitive Certificates, and the form of Assignment to appear on each of the Certificates, shall be substantially in the forms set forth in this Section with such appropriate insertions, omissions, substitutions, and other variations as are permitted or required by this Ordinance and may have such letters, numbers or other marks of identification (including identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including insurance legends in the event the Certificates, or any maturities thereof, are purchased with insurance) and any reproduction of an opinion of counsel thereon as may, consistently herewith, be established by the City or determined by the officers executing such Certificates as evidenced by their execution. Any portion of the text of any Certificates may be set forth on the reverse thereof, with an appropriate reference thereto on the face of the Certificate.

The definitive Certificates and the Initial Certificate(s) shall be printed, lithographed, engraved, typewritten, photocopied, or produced in any other similar manner, all as determined by the officers executing such Certificates as evidenced by their execution.

B. Form of Definitive Certificate.

REGISTERED
NO. _____

REGISTERED
\$ _____

UNITED STATES OF AMERICA
STATE OF TEXAS
CITY OF RICHARDSON, TEXAS
COMBINATION TAX AND REVENUE
CERTIFICATE OF OBLIGATION
SERIES 2018

Certificate Date: April 25, 2018 Interest Rate: _____ % Stated Maturity: February 15, _____ CUSIP No.: _____

Registered Owner: _____

Principal Amount: _____ DOLLARS

The City of Richardson (hereinafter referred to as the "City"), a body corporate and municipal corporation in the Counties of Dallas and Collin, State of Texas, for value received, acknowledges itself indebted to and hereby promises to pay to the Registered Owner named above (the "Registered Owner"), or the registered assigns thereof, the Principal Amount stated above (or so much thereof as shall not have been paid upon prior redemption), on the Stated Maturity date specified above and to pay interest (computed on the basis of a 360-day year consisting of twelve 30-day months) on the unpaid Principal Amount hereof from the interest payment date next preceding the "Registration Date" of this Certificate appearing below (unless this Certificate bears a "Registration Date" as of an interest payment date, in which case it shall bear interest from such date, or unless the "Registration Date" of this Certificate is prior to the initial interest payment date in which case it shall bear interest from the Certificate Date) at the per annum rate of interest specified above; such interest being payable on February 15 and August 15 of each year, commencing February 15, 2019, until maturity or prior redemption. Principal of this Certificate is payable at its Stated Maturity or on a redemption date to the Registered Owner hereof, upon presentation and surrender, at the Designated Payment/Transfer Office of the Paying Agent/Registrar executing the registration certificate appearing hereon, or its successor. Interest is payable to the Registered Owner of this Certificate (or one or more Predecessor Certificates, as defined in the Ordinance hereinafter referenced) whose name appears on the "Security Register" maintained by the Paying Agent/Registrar at the close of business on the "Record Date", which is the last business day of the month next preceding each interest payment date, and interest shall be paid by the Paying Agent/Registrar by check sent United States Mail, first class postage prepaid, to the address of the Registered Owner recorded in the Security Register on the Record Date or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Registered Owner. If the date for the payment of the principal of or interest on the Certificates shall be a Saturday, Sunday, legal holiday or a day when banking institutions in the city where the Paying Agent/Registrar is located are authorized by law or executive order to be closed, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday or day when banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due. All payments of principal of, premium, if any, and interest on this Certificate shall be without exchange or collection charges to the Registered Owner hereof and in any coin or currency of the United States of America, which at the time of payment is legal tender for the payment of public and private debts.

This Certificate is one of the series specified in its title issued in the aggregate principal amount of \$_____ (herein referred to as the "Certificates") for the purpose of paying contractual obligations to be incurred for (1) constructing, improving, renovating, expanding and

equipping parks and recreation facilities, police and fire-fighting facilities, golf facilities, the library and municipal public buildings and the acquisition of land therefor; (2) acquiring, constructing, improving and maintaining streets, thoroughfares, alleyways and sidewalks within the City including related storm drainage improvements, traffic signalization and signage, traffic management equipment, creek erosion, bridge and culvert improvements and utility relocations and the acquisition of land therefor; (3) improving and extending the City's water and sewer system; (4) acquiring equipment and vehicles for police, fire, facility services, streets, parks and recreation, municipal library, animal services, the municipal golf course, information technology and solid waste departments and (5) professional services rendered in connection therewith, under and in strict conformity with the Constitution and laws of the State of Texas, particularly Texas Local Government Code, Subchapter C of Chapter 271, as amended, and pursuant to an Ordinance adopted by the governing body of the City (herein referred to as the "Ordinance").

The Certificates maturing on and after February 15, 2028, may be redeemed prior to their Stated Maturities, at the option of the City, in whole or in part, in principal amounts of \$5,000 or any integral multiple thereof (and if within a Stated Maturity, by lot by the Paying Agent/Registrar), on February 15, 2027, or on any date thereafter, at the redemption price of par, together with accrued interest to the date of redemption.

At least thirty (30) days prior to a redemption date, the City shall cause a written notice of such redemption to be sent by United States Mail, first class postage prepaid, to the registered owners of each Certificate to be redeemed at the address shown on the Security Register and subject to the terms and provisions relating thereto contained in the Ordinance. If a Certificate (or any portion of its principal sum) shall have been duly called for redemption and notice of such redemption duly given, then upon the redemption date such Certificate (or the portion of its principal sum to be redeemed) shall become due and payable, and, if moneys for the payment of the redemption price and the interest accrued on the principal amount to be redeemed to the date of redemption are held for the purpose of such payment by the Paying Agent/Registrar, interest shall cease to accrue and be payable from and after the redemption date on the principal amount redeemed.

In the event of a partial redemption of the principal amount of this Certificate, payment of the redemption price of such principal amount shall be made to the Registered Owner only upon presentation and surrender of this Certificate to the Paying Agent/Registrar at the Designated Payment/Transfer Office, and there shall be issued to the Registered Owner hereof, without charge, a new Certificate or Certificates of like maturity and interest rate in any authorized denominations provided by the Ordinance for the then unredeemed balance of the principal sum hereof. If this Certificate is selected for redemption, in whole or in part, the City and the Paying Agent/Registrar shall not be required to transfer this Certificate to an assignee of the Registered Owner within forty-five (45) days of the redemption date therefor; provided, however, such limitation on transferability shall not be applicable to an exchange by the Registered Owner of the unredeemed balance hereof in the event of its redemption in part.

With respect to any optional redemption of the Certificates, unless moneys sufficient to pay the principal of and premium, if any, and interest on the Certificates to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice may state that said redemption may, at the option of the City, be conditional upon the receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon the satisfaction of any prerequisites set forth in such notice of redemption; and, if sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Certificates and the Paying Agent/Registrar shall give notice, in the manner

in which the notice of redemption was given, to the effect that the Certificates have not been redeemed.

The Certificates are payable from the proceeds of an ad valorem tax levied, within the limitations prescribed by law, upon all taxable property in the City and are additionally payable from and secured by a lien on and limited pledge of the Net Revenues (as defined in the Ordinance) of the City's Waterworks and Sewer System (the "System"), such lien and pledge, however, being junior and subordinate to the lien on and pledge of the Net Revenues of the System securing the payment of "Prior Lien Obligations" (as defined in the Ordinance) now outstanding and hereafter issued by the City. In the Ordinance, the City reserves and retains the right to issue Prior Lien Obligations while the Certificates are outstanding without limitation as to principal amount but subject to any terms, conditions or restrictions as may be applicable thereto under law or otherwise.

Reference is hereby made to the Ordinance, a copy of which is on file in the Designated Payment/Transfer Office of the Paying Agent/Registrar, and to all the provisions of which the Registered Owner hereof by the acceptance hereof hereby assents, for definitions of terms; the description of and the nature and extent of the tax levied for the payment of the Certificates; the properties constituting the System; the limited amount of Net Revenues pledged to the payment of the principal of and interest on the Certificates; the nature and extent and manner of enforcement of the pledge; the terms and conditions relating to the transfer of this Certificate; the conditions upon which the Ordinance may be amended or supplemented with or without the consent of the Registered Owners of the Certificates; the rights, duties and obligations of the City and the Paying Agent/Registrar; the terms and provisions upon which the tax levy and the liens, pledges, charges and covenants made therein may be discharged at or prior to the maturity of this Certificate, and this Certificate deemed to be no longer Outstanding thereunder; and for the other terms and provisions contained therein. Capitalized terms used herein and not otherwise defined have the meanings assigned in the Ordinance.

This Certificate, subject to certain limitations contained in the Ordinance, may be transferred on the Security Register only upon its presentation and surrender at the Designated Payment/Transfer Office of the Paying Agent/Registrar, with the Assignment hereon duly endorsed by, or accompanied by a written instrument of transfer in form satisfactory to the Paying Agent/Registrar duly executed by, the Registered Owner hereof, or his or her duly authorized agent. When a transfer on the Security Register occurs, one or more fully registered Certificates of authorized denominations and of the same aggregate principal amount will be issued by the Paying Agent/Registrar to the designated transferee or transferees.

The City and the Paying Agent/Registrar, and any agent of either, may treat the Registered Owner hereof whose name appears on the Security Register (i) on the Record Date as the owner entitled to payment of interest hereon, (ii) on the date of surrender of this Certificate as the owner entitled to payment of principal hereof at its Stated Maturity, and (iii) on any other date as the owner for all other purposes, and neither the City nor the Paying Agent/Registrar, or any agent of either, shall be affected by notice to the contrary. In the event of nonpayment of interest on a scheduled payment date and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be fifteen (15) days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States Mail, first class postage prepaid, to the address of each

Registered Owner appearing on the Security Register at the close of business on the last business day next preceding the date of mailing of such notice.

It is hereby certified, recited, represented and covenanted that the City is a body corporate and political subdivision duly organized and legally existing under and by virtue of the Constitution and laws of the State of Texas; that the issuance of the Certificates is duly authorized by law; that all acts, conditions and things required to exist and be done precedent to and in the issuance of the Certificates to render the same lawful and valid obligations of the City have been properly done, have happened and have been performed in regular and due time, form and manner as required by the Constitution and laws of the State of Texas, and the Ordinance; that the Certificates do not exceed any constitutional or statutory limitation; and that due provision has been made for the payment of the principal of and interest on the Certificates by the levy of a tax and a pledge of a limited amount of the Net Revenues of the System as aforesated. In case any provision in this Certificate or any application thereof shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions and applications shall not in any way be affected or impaired thereby. The terms and provisions of this Certificate and the Ordinance shall be construed in accordance with and shall be governed by the laws of the State of Texas.

IN WITNESS WHEREOF, the City Council of the City has caused this Certificate to be duly executed under the official seal of the City as of the Certificate Date.

CITY OF RICHARDSON, TEXAS

Mayor

COUNTERSIGNED:

City Secretary

(SEAL)

C. Form of Registration Certificate of Comptroller of Public Accounts to Appear on Initial Certificates only.

REGISTRATION CERTIFICATE OF
COMPTROLLER OF PUBLIC ACCOUNTS

OFFICE OF THE COMPTROLLER
OF PUBLIC ACCOUNTS

§
§
§
§

REGISTER NO. _____

THE STATE OF TEXAS

I HEREBY CERTIFY that this Certificate has been examined, certified as to validity and approved by the Attorney General of the State of Texas, and duly registered by the Comptroller of Public Accounts of the State of Texas.

WITNESS my signature and seal of office this _____.

Comptroller of Public Accounts
of the State of Texas

(SEAL)

D. Form of Certificate of Paying Agent/Registrar to Appear on definitive Certificates only.

REGISTRATION CERTIFICATE OF PAYING AGENT/REGISTRAR

This Certificate has been duly issued and registered under the provisions of the within-mentioned Ordinance; the certificate or certificates of the above entitled and designated series originally delivered having been approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts, as shown by the records of the Paying Agent/Registrar.

The designated office of the Paying Agent/Registrar in Birmingham, Alabama is the Designated Payment/Transfer Office for this Certificate.

REGIONS BANK, Houston, Texas,
as Paying Agent/Registrar

Registration Date:

_____ By _____
Authorized Signature

E. Form of Assignment.

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto (Print or typewrite name, address and zip code of transferee): _____

(Social Security or other identifying number: _____
_____) the within Certificate and all rights thereunder, and hereby irrevocably constitutes and appoints _____

attorney to transfer the within Certificate on the books kept for registration thereof, with full power of substitution in the premises.

DATED: _____

Signature guaranteed:

NOTICE: The signature on this assignment must correspond with the name of the Registered Owner as it appears on the face of the within Certificate in every particular.

F. The Initial Certificate shall be in the form set forth in paragraph B of this Section, except that the form of a single fully registered Initial Certificate shall be modified as follows:

- (i) immediately under the name of the certificate the headings "Interest Rate", "Stated Maturity", and "CUSIP No." shall be omitted;
- (ii) paragraph one shall read as follows:

The City of Richardson (hereinafter referred to as the "City"), a body corporate and municipal corporation in the Counties of Dallas and Collin, State of Texas, for value received, acknowledges itself indebted to and hereby promises to pay to the Registered Owner named above (the "Registered Owner"), or the registered assigns thereof, on February 15 in each of the years and in principal installments and bearing interest at per annum rates in accordance with the following schedule:

<u>YEAR OF MATURITY</u>	<u>PRINCIPAL INSTALLMENTS</u>	<u>INTEREST RATE</u>
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(Information to be inserted from schedule in Section 2 hereof.)

(or so much principal thereof as shall not have been redeemed prior to maturity) and to pay interest (computed on the basis of a 360-day year consisting of twelve 30-day months) on the unpaid Principal Amount hereof from the interest payment date next preceding the "Registration Date" of this Certificate appearing below (unless this Certificate bears a "Registration Date" as of an interest payment date, in which case it shall bear interest from such date, or unless the "Registration Date" of this Certificate is prior to the initial interest payment date in which case it shall bear interest from the Certificate Date) at the per annum rate of interest specified above; such interest being payable on February 15 and August 15 of each year, commencing February 15, 2019, until maturity or prior redemption. Principal of this Certificate is payable on the Stated Maturity dates, to the Registered Owner hereof by Regions Bank, Houston, Texas (the "Paying Agent/Registrar"), upon presentation and surrender at its designated office, initially in Birmingham, Alabama, or, with respect to a successor paying agent/registrar, at the designated office of such successor (the "Designated Payment/Transfer Office). Interest is payable to the Registered Owner of this Certificate (or one or more Predecessor Certificates, as defined in the Ordinance hereinafter referenced) whose name appears on the "Security Register" maintained by the Paying Agent/Registrar at the close of business on the "Record Date", which is the last business day of the month next preceding each interest payment date, and interest shall be paid by the Paying Agent/Registrar by check sent United States Mail, first class postage prepaid, to the address of the Registered Owner recorded in the Security Register on the Record Date or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Registered Owner. If the date for the payment of the principal of or interest on the Certificates shall be a Saturday, Sunday, legal holiday or a day when banking institutions in the city where the Paying Agent/Registrar is located are authorized by law or executive order to

be closed, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday or day when banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due. All payments of principal of, premium, if any, and interest on this Certificate shall be without exchange or collection charges to the Registered Owner hereof and in any coin or currency of the United States of America, which at the time of payment is legal tender for the payment of public and private debts.

SECTION 10. Definitions. That for purposes of this Ordinance and for clarity with respect to the issuance of the Certificates, and the levy of taxes and appropriation of Net Revenues therefor, the following words or terms, whenever the same appear herein without qualifying language, are defined to mean as follows:

(a) The term “Additional Certificates” shall mean combination tax and revenue certificates of obligation hereafter issued under and pursuant to the provisions of Texas Local Government Code, Subchapter C of Chapter 271, as amended, or similar law hereafter enacted and payable from ad valorem taxes and additionally payable from and secured by a parity lien on and pledge of the Net Revenues of the System of equal rank and dignity with the lien and pledge securing the payment of the Certificates.

(b) The term “Certificates” shall mean the “CITY OF RICHARDSON, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2018” authorized by this Ordinance.

(c) The term “Certificate Fund” shall mean the special Fund created and established under the provisions of Section 11 of this Ordinance.

(d) The term “Collection Date” shall mean, when reference is being made to the levy and collection of annual ad valorem taxes, the date annual ad valorem taxes levied each year by the City become delinquent.

(e) The term “Fiscal Year” shall mean the annual financial accounting period used with respect to the operations of the System now ending on September 30th of each year; provided, however, the City Council may change, by ordinance duly passed, such annual financial accounting period to end on another date if such change is found and determined to be necessary for budgetary or other fiscal purposes.

(f) The term “Government Securities” shall mean (i) direct, noncallable obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, (ii) noncallable obligations of an agency or instrumentality of the United States, including obligations unconditionally guaranteed or insured by the agency or instrumentality and, on the date of their acquisition or purchase by the City, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent, (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and, on the date of their acquisition or purchase by the City, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent and (iv) any other then authorized securities or obligations that may be used to defease obligations such as the Certificates under the then applicable laws of the State of Texas.

(g) The term “Gross Revenues” shall mean all revenues, income and receipts of every nature derived or received by the City from the operation and ownership of the System, including the interest income from the investment or deposit of money in any Fund created or reaffirmed by this Ordinance.

(h) The term “Net Revenues” shall mean all Gross Revenues after deducting and paying the current expenses of operation and maintenance of the System, as required by Texas Government Code, Chapter 1502, as amended, including all salaries, labor, materials, repairs and extensions necessary to render efficient service; provided, however, that only such repairs and extensions as in the judgment of the City Council, reasonably and fairly exercised by the adoption of the appropriate resolution, are necessary to keep the System in operation and render adequate service to the City and the inhabitants thereof, or such as might be necessary to meet some physical accident or condition which would otherwise impair any obligations payable from Net Revenues of the System shall be deducted in determining “Net Revenues”. Payments made by the City for water supply or treatment of sewage which constitute under the law operation and maintenance expense shall be considered herein as expenses incurred in the operation and maintenance of the System. Depreciation shall never be considered as an expense of operation and maintenance.

(i) The term “Operating and Maintenance Expenses” shall mean the operating and maintenance expenses referred to in the definition of Net Revenues.

(j) The term “Outstanding”, when used in this Ordinance with respect to Certificates, means, as of the date of determination, all Certificates theretofore issued and delivered under this Ordinance, except:

(1) those Certificates cancelled by the Paying Agent/Registrar or delivered to the Paying Agent/Registrar for cancellation;

(2) those Certificates deemed to be duly paid by the City in accordance with the provisions of Section 24 hereof by the irrevocable deposit with the Paying Agent/Registrar, or an authorized escrow agent, of money or Government Securities, or both, in the amount necessary to fully pay the principal of, premium, if any, and interest thereon to maturity; and

(3) those Certificates that have been mutilated, destroyed, lost, or stolen and replacement Certificates have been registered and delivered in lieu thereof as provided in Section 28 hereof.

(k) The term “Prior Lien Obligations” shall mean all bonds or other similar obligations that are payable in whole or in part from and secured by a lien on and pledge of the Net Revenues of the System and such lien and pledge securing the payment thereof is prior and superior in claim, rank and dignity to the lien and pledge of the Net Revenues securing the payment of the Certificates.

(l) The term “System” shall mean and include the City’s combined existing waterworks and sewer system, together with all future extensions, improvements, enlargements and additions thereto, and all replacements thereof; provided that, notwithstanding the foregoing, and to the extent now or hereafter authorized or permitted by law, the term System shall not include any waterworks or sewer facilities which are

declared not to be a part of the System and which are acquired or constructed by the City with the proceeds from the issuance of "Special Facilities Bonds", which are hereby defined as being special revenue obligations of the City which are not secured by or payable from the Net Revenues, but which are secured by and payable solely from special contract revenues or payments shall not be considered as or constitute Gross Revenues of the System, unless and to the extent otherwise provided in the ordinance or ordinances authorizing the issuance of such "Special Facilities Bonds".

SECTION 11. Certificate Fund. That, for the purpose of paying the interest on and to provide a sinking fund for the payment and retirement of the Certificates, there shall be and is hereby created a special fund to be designated "SPECIAL 2018 CITY OF RICHARDSON, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATE OF OBLIGATION FUND" (the "Certificate Fund"), which shall be kept and maintained at a City depository bank, and moneys deposited in the Certificate Fund shall be used for no other purpose. The Mayor, City Manager, First Assistant City Manager, Chief Financial Officer, Director of Finance and City Secretary, either or any combination of them, are hereby authorized and directed to cause to be transferred to the Paying Agent for the Certificates, from funds on deposit in the Certificate Fund, amounts sufficient to fully pay and discharge promptly each installment of interest and principal of the Certificates as the same accrues or matures; such transfers of funds to be made in such manner as will cause immediately available funds to be deposited with the Paying Agent for the Certificates at the close of business on the last business day next preceding each interest and/or principal payment date for the Certificates.

Pending the transfer of funds to the Paying Agent/Registrar, money in the Certificate Fund may, at the option of the City, be invested in obligations identified in, and in accordance with the provisions of the "Public Funds Investment Act" (Texas Government Code, Chapter 2256, as amended) relating to the investment of "bond proceeds"; provided that all such investments shall be made in such a manner that the money required to be expended from said Fund will be available at the proper time or times. All interest and income derived from deposits and investments in said Certificate Fund shall be credited to, and any losses debited to, the said Certificate Fund. All such investments shall be sold promptly when necessary to prevent any default in connection with the Certificates.

SECTION 12. Tax Levy. That to provide for the payment of the "Debt Service Requirements" on the Certificates, being (i) the interest on said Certificates and (ii) a sinking fund for their redemption at maturity or a sinking fund of 2% (whichever amount shall be the greater), there shall be and there is hereby levied, within the limitations prescribed by law, for the current year and each succeeding year thereafter while said Certificates or any interest thereon shall remain Outstanding, a sufficient tax on each one hundred dollars' valuation of taxable property in said City, adequate to pay such Debt Service Requirements, full allowance being made for delinquencies and costs of collection; said tax shall be assessed and collected each year and applied to the payment of the Debt Service Requirements, and the same shall not be diverted to any other purpose. The taxes so levied and collected shall be deposited into the Certificate Fund. The City Council hereby declares its purpose and intent to provide and levy a tax legally and fully sufficient to pay the said Debt Service Requirements, it having been determined that the existing and available taxing authority of the City for such purpose is adequate to permit a legally sufficient tax in consideration of all other outstanding indebtedness.

The amount of taxes to be provided annually for the payment of the principal of and interest on the Certificates herein authorized to be issued shall be determined and accomplished in the following manner:

(a) Prior to the date the City Council establishes the annual tax rate and passes an ordinance levying ad valorem taxes each year, the City Council shall determine:

(1) The amount on deposit in the Certificate Fund after (a) deducting therefrom the total amount of Debt Service Requirements to become due on Certificates prior to the Collection Date for the ad valorem taxes to be levied and (b) adding thereto the amount of Net Revenues of the System, together with any other lawfully available revenues of the City, appropriated and allocated to pay such Debt Service Requirements prior to the Collection Date for the ad valorem taxes to be levied.

(2) The amount of Net Revenues, together with any other lawfully available revenues of the City, appropriated and to be set aside for the payment of the Debt Service Requirements on the Certificates between the Collection Date for the taxes then to be levied and the Collection Date for the taxes to be levied during the next succeeding calendar year.

(3) The amount of Debt Service Requirements to become due and payable on the Certificates between the Collection Date for the taxes then to be levied and the Collection Date for the taxes to be levied during the next succeeding calendar year.

(b) The amount of taxes to be levied annually each year to pay the Debt Service Requirements on the Certificates shall be the amount established in paragraph (3) above less the sum total of the amounts established in paragraphs (1) and (2), after taking into consideration delinquencies and costs of collecting such annual taxes.

SECTION 13. Limited Pledge of Net Revenues. The City hereby covenants and agrees that subject to the prior lien on and pledge of the Net Revenues to the payment and security of the Prior Lien Obligations, the Net Revenues (within the limitation of a total amount of one thousand dollars (\$1,000) during the time the Certificates or interest thereon remain outstanding and unpaid) are hereby irrevocably pledged to the payment of the principal of and interest on the Certificates, and the pledge of Net Revenues herein made for the payment of the Certificates shall constitute a lien on the Net Revenues until such time as the City shall pay all of such \$1,000, after which time the pledge shall cease, all in accordance with the terms and provisions hereof and be valid and binding without any physical delivery thereof or further act by the City.

Chapter 1208 of the Texas Government Code, as amended, applies to the issuance of the Certificates and the pledge of the revenues granted by the City under this Section of this Ordinance, and such pledge is therefore valid, effective and perfected. If Texas law is amended at any time while the Certificates are Outstanding and unpaid such that the pledge of the revenues granted by the City under this Section of this Ordinance is to be subject to the filing requirements of Chapter 9 of the Texas Business & Commerce Code, as amended, then in order to preserve to the Holders of the Certificates the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9 of the Texas Business & Commerce Code, as amended, and enable a filing to perfect the security interest in said pledge to occur.

SECTION 14. System Fund. The City hereby covenants and agrees that all Gross Revenues (excluding earnings from the investment of money held in any special funds or accounts created for the payment and security of Prior Lien Obligations) shall be deposited from

day to day as collected into a "City of Richardson Waterworks and Sewer System Fund" (hereinafter called "System Fund") which Fund shall be kept and maintained at an official depository bank of the City. All moneys deposited in the System Fund shall be pledged and appropriated to the extent required for the following purposes and in the order of priority shown, to wit:

First. To the payment of all necessary and reasonable Operating and Maintenance Expenses of the System as defined herein or required by statute to be a first charge on and claim against the Gross Revenues;

Second. To the payment of the amounts required to be deposited in the special Funds created and established for the payment, security and benefit of Prior Lien Obligations in accordance with the terms and provisions of the ordinances authorizing the issuance of Prior Lien Obligations; and

Third. To the payment of the amounts required to be deposited in the special funds and accounts (including the Certificate Fund) created and established for the payment of the Certificates and Additional Certificates.

Any Net Revenues remaining in the System Fund after satisfying the foregoing payments, or making adequate and sufficient provision for the payment thereof, may be appropriated and used for any other City purpose now or hereafter permitted by law.

SECTION 15. Deposits to Certificate Fund. The City hereby covenants and agrees to cause to be deposited in the Certificate Fund from the pledged Net Revenues in the System Fund, an amount not to exceed \$1,000.

The City covenants and agrees that the amount of pledged Net Revenues (\$1,000), together with ad valorem taxes levied, collected, and deposited in the Certificate Fund for and on behalf of the Certificates, will be an amount equal to one hundred percent (100%) of the amount required to fully pay the interest and principal due and payable on the Certificates. In addition, any surplus proceeds from the sale of the Certificates not expended for authorized purposes shall be deposited in the Certificate Fund, or another fund created for the payment of the principal of and interest on any Certificates, and such amounts so deposited shall reduce the sums otherwise required to be deposited in said Fund from ad valorem taxes and the Net Revenues.

SECTION 16. Security of Funds. All moneys on deposit in the Funds for which this Ordinance makes provision (except any portion thereof as may be at any time properly invested) shall be secured in the manner and to the fullest extent required by the laws of the State of Texas for the security of public funds, and moneys on deposit in such Funds shall be used only for the purposes permitted by this Ordinance.

SECTION 17. Maintenance of System - Insurance. While the Certificates remain Outstanding, the City covenants and agrees to maintain and operate the System with all possible efficiency and to maintain casualty and other insurance on the properties of the System and its operations of a kind and in such amounts customarily carried by municipal corporations in the State of Texas engaged in a similar type business; and that it will faithfully and punctually perform all duties with reference to the System required by the Constitution and laws of the State of Texas.

SECTION 18. Rates and Charges. The City hereby covenants and agrees that rates and charges for services provided by the System will be established and maintained, on the basis of all available information and experience and with due allowance for contingencies, that are reasonably expected to provide Gross Revenues to pay:

- (a) Operating and Maintenance Expenses of the System;
- (b) the interest on and principal of Prior Lien Obligations and the amounts required to be deposited into any special Funds created and established for the payment and security of the Prior Lien Obligations;
- (c) the amounts required to be deposited in the special Funds or Accounts (such as the Certificate Fund) created for the payment of the Certificates and Additional Certificates;
- (d) any other legally incurred indebtedness payable from the revenues of the System and/or secured by a lien on the System or the revenues thereof.

SECTION 19. Records and Accounts – Annual Audit. The City further covenants and agrees that while any Certificates remain Outstanding, it will keep and maintain accurate and complete records and accounts pertaining to the ownership, operation and maintenance of the System. The Holders of the Certificates or any duly authorized agent or agents of such Holders shall have the right to inspect the System and all properties comprising the same. The City further agrees that following the close of each Fiscal Year, it will cause an audit of such books and accounts to be made by an independent firm of Certified Public Accountants.

SECTION 20. Remedies in Event of Default. In addition to all the rights and remedies provided by the laws of the State of Texas, the City covenants and agrees particularly that in the event the City (a) defaults in the payments to be made to the Certificate Fund, or (b) defaults in the observance or performance of any other of the covenants, conditions or obligations set forth in this Ordinance, the Holder of any of the Certificates shall be entitled to a writ of mandamus issued by a court of proper jurisdiction compelling and requiring the governing body of the City and other officers of the City to observe and perform any covenant, condition or obligation prescribed in this Ordinance.

No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power, or shall be construed to be a waiver of any such default or acquiescence therein, and every such right and power may be exercised from time to time and as often as may be deemed expedient. The specific remedies herein provided shall be cumulative of all other existing remedies and the specification of such remedies shall not be deemed to be exclusive.

SECTION 21. Special Covenants. The City hereby further covenants as follows:

- (a) It has the lawful power to pledge the Net Revenues of the System supporting this issue of Certificates and has lawfully exercised said powers under the Constitution and laws of the State of Texas, including said power existing under Texas Local Govt. Code, Subchapter C of Chapter 271, as amended, and Chapter 1502 of the Texas Government Code, as amended.

(b) Other than for the payment of the outstanding Prior Lien Obligations and the Certificates, the Net Revenues of the System are not in any manner pledged to the payment of any debt or obligation of the City or of the System.

SECTION 22. Issuance of Prior Lien Obligations and Additional Certificates. The City hereby expressly reserves the right to hereafter issue Prior Lien Obligations, without limitation as to principal amount.

In addition, the City reserves the right to issue Additional Certificates, without limitation or any restriction or condition being applicable to their issuance under the terms of this Ordinance, payable from and secured by a lien on and pledge of the Net Revenues of the System of equal rank and dignity, and on a parity in all respects, with the lien thereon and pledge thereof securing the payment of the Certificates.

SECTION 23. Subordinate to Prior Lien Obligations, Covenants and Agreements. It is the intention of this governing body and accordingly hereby recognized and stipulated that the provisions, agreements and covenants contained herein bearing upon the management and operations of the System and the administering and application of revenues derived from the operation thereof, shall to the extent possible be harmonized with like provisions, agreements and covenants contained in the ordinances authorizing the issuance of the Prior Lien Obligations, and to the extent of any irreconcilable conflict between the provisions contained herein and in the ordinances authorizing the issuance of the Prior Lien Obligations, the provisions, agreements and covenants contained therein shall prevail to the extent of such conflict and be applicable to this Ordinance but in all respects subject to the priority of rights and benefits, if any, conferred thereby to the holders or owners of the Prior Lien Obligations. Notwithstanding the above, any change or modification affecting the application of revenues derived from the operation of the System shall not impair the obligation of contract with respect to the pledge of revenues herein made for the payment and security of the Certificates.

SECTION 24. Satisfaction of Obligations of City. If the City shall pay or cause to be paid, or there shall otherwise be paid to the Holders, the principal of, premium, if any, and interest on the Certificates, at the times and in the manner stipulated in this Ordinance, then the pledge of taxes levied and the lien on and pledge of the Net Revenues of the System under this Ordinance and all covenants, agreements and other obligations of the City to the Holders shall thereupon cease, terminate and be discharged and satisfied.

Certificates or any principal amount(s) thereof shall be deemed to have been paid within the meaning and with the effect expressed above in this Section when (i) money sufficient to pay in full such Certificates or the principal amount(s) thereof at maturity or on a redemption date therefor, together with all interest due thereon, shall have been irrevocably deposited with and held in trust by the Paying Agent/Registrar, or an authorized escrow agent, or (ii) Government Securities shall have been irrevocably deposited in trust with the Paying Agent/Registrar, or an authorized escrow agent, which Government Securities have been certified by an independent accounting firm to mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money, together with any moneys deposited therewith, if any, to pay when due the principal of and interest on such Certificates, or the principal amount(s) thereof, on and prior to the Stated Maturity or (if notice of redemption has been duly given or waived or if irrevocable arrangements therefor acceptable to the Paying Agent/Registrar have been made) the redemption date thereof. The City covenants that no deposit of moneys or Government Securities will be made under this Section and no use will be made of any such deposit which would cause the Certificates to be treated as "arbitrage bonds"

within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, or regulations adopted pursuant thereto.

Any moneys so deposited with the Paying Agent/Registrar, or an authorized escrow agent, and all income from Government Securities held in trust by the Paying Agent/Registrar, or an authorized escrow agent, pursuant to this Section which is not required for the payment of the Certificates, or any principal amount(s) thereof, or interest thereon with respect to which such moneys have been so deposited shall be remitted to the City or deposited as directed by the City. Furthermore, any money held by the Paying Agent/Registrar for the payment of the principal of and interest on the Certificates and remaining unclaimed for a period of three (3) years after the Stated Maturity, or applicable redemption date, of the Certificates such moneys were deposited and are held in trust to pay shall upon the request of the City be remitted to the City against a written receipt therefor. Notwithstanding the above and foregoing, any remittance of funds from the Paying Agent/Registrar to the City shall be subject to any applicable unclaimed property laws of the State of Texas.

SECTION 25. Ordinance a Contract – Amendments. This Ordinance shall constitute a contract with the Holders from time to time, be binding on the City, and shall not be amended or repealed by the City so long as any Certificate remains Outstanding except as permitted in this Section and in Section 33. The City may, without the consent of or notice to any Holders of the Certificates, from time to time and at any time, amend this Ordinance in any manner not detrimental to the interests of the Holders of the Certificates, including the curing of any ambiguity, inconsistency or formal defect or omission herein. In addition, the City may, with the written consent of Holders of the Certificates holding a majority in aggregate principal amount of the Certificates then Outstanding affected thereby, amend, add to or rescind any of the provisions of this Ordinance; provided that, without the consent of all Holders of Outstanding Certificates, no such amendment, addition or rescission shall (1) extend the time or times of payment of the principal of, premium, if any, and interest on the Certificates, reduce the principal amount thereof, or the rate of interest thereon, or in any other way modify the terms of payment of the principal of, premium, if any, or interest on the Certificates, (2) give any preference to any Certificate over any other Certificate, or (3) reduce the aggregate principal amount of Certificates required to be held by Holders for consent to any such amendment, addition or rescission.

SECTION 26. Notices to Holders – Waivers. Wherever this Ordinance provides for notice to Holders of any event, such notice shall be sufficiently given (unless otherwise herein expressly provided) if in writing and sent by United States Mail, first class postage prepaid, to the address of each Holder appearing in the Security Register at the close of business on the business day next preceding the mailing of such notice.

In any case where notice to Holders is given by mail, neither the failure to mail such notice to any particular Holders, nor any defect in any notice so mailed, shall affect the sufficiency of such notice with respect to all other Certificates. Where this Ordinance provides for notice in any manner, such notice may be waived in writing by the Holder entitled to receive such notice, either before or after the event with respect to which such notice is given, and such waiver shall be the equivalent of such notice. Waivers of notice by Holders shall be filed with the Paying Agent/Registrar, but such filing shall not be a condition precedent to the validity of any action taken in reliance upon such waiver.

SECTION 27. Cancellation. Certificates surrendered for payment, transfer or exchange, if surrendered to the Paying Agent/Registrar, shall be promptly cancelled by it and, if surrendered to the City, shall be delivered to the Paying Agent/Registrar and, if not already cancelled, shall be

promptly cancelled by the Paying Agent/Registrar. The City may at any time deliver to the Paying Agent/Registrar for cancellation any Certificates previously certified or registered and delivered which the City may have acquired in any manner whatsoever, and all Certificates so delivered shall be promptly cancelled by the Paying Agent/Registrar. All cancelled Certificates held by the Paying Agent/Registrar shall be returned to the City.

SECTION 28. Mutilated, Destroyed, Lost and Stolen Certificates. In case any Certificate shall be mutilated, destroyed, lost or stolen, the Paying Agent/Registrar may execute and deliver a replacement Certificate of like form and tenor, and in the same denomination and bearing a number not contemporaneously outstanding, in exchange and substitution for such mutilated Certificate, or in lieu of and in substitution for such destroyed, lost or stolen Certificate, only upon the approval of the City and after (i) the filing by the Holder thereof with the Paying Agent/Registrar of evidence satisfactory to the Paying Agent/Registrar of the destruction, loss or theft of such Certificate, and of the authenticity of the ownership thereof and (ii) the furnishing to the Paying Agent/Registrar of indemnification in an amount satisfactory to hold the City and the Paying Agent/Registrar harmless. All expenses and charges associated with such indemnity and with the preparation, execution and delivery of a replacement Certificate shall be borne by the Holder of the Certificate mutilated, destroyed, lost or stolen.

Every replacement Certificate issued pursuant to this Section shall be a valid and binding obligation, and shall be entitled to all the benefits of this Ordinance equally and ratably with all other Outstanding Certificates; notwithstanding the enforceability of payment by anyone of the destroyed, lost or stolen Certificates.

The provisions of this Section are exclusive and shall preclude (to the extent lawful) all other rights and remedies with respect to the replacement and payment of mutilated, destroyed, lost or stolen Certificates.

SECTION 29. Covenants to Maintain Tax-Exempt Status.

(a) Definitions. When used in this Section, the following terms have the following meanings:

“Closing Date” means the date on which the Certificates are first authenticated and delivered to the initial purchasers against payment therefor.

“Code” means the Internal Revenue Code of 1986, as amended by all legislation, if any, effective on or before the Closing Date.

“Computation Date” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“Gross Proceeds” means any proceeds as defined in Section 1.148-1(b) of the Regulations, and any replacement proceeds as defined in Section 1.148-1(c) of the Regulations, of the Certificates.

“Investment” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“Nonpurpose Investment” means any investment property, as defined in Section 148(b) of the Code, in which Gross Proceeds of the Certificates are

invested and which is not acquired to carry out the governmental purposes of the Certificates.

“Rebate Amount” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“Regulations” means any proposed, temporary or final Income Tax Regulations issued pursuant to Sections 103 and 141 through 150 of the Code, and 103 of the Internal Revenue Code of 1954, which are applicable to the Certificates. Any reference to any specific Regulation shall also mean, as appropriate, any proposed, temporary or final Income Tax Regulation designed to supplement, amend or replace the specific Regulation referenced.

“Yield” of (1) any Investment has the meaning set forth in Section 1.148-5 of the Regulations and (2) the Certificates has the meaning set forth in Section 1.148-4 of the Regulations.

(b) Not to Cause Interest to Become Taxable. The City shall not use, permit the use of, or omit to use Gross Proceeds or any other amounts (or any property the acquisition, construction or improvement of which is to be financed directly or indirectly with Gross Proceeds) in a manner which if made or omitted, respectively, would cause the interest on any Certificate to become includable in the gross income, as defined in Section 61 of the Code, of the Holder thereof for federal income tax purposes. Without limiting the generality of the foregoing, unless and until the City receives a written opinion of counsel nationally recognized in the field of municipal bond law to the effect that failure to comply with such covenant will not adversely affect the exemption from federal income tax of the interest on any Certificate, the City shall comply with each of the specific covenants in this Section.

(c) No Private Use or Private Payments. Except as permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall at all times prior to the last Stated Maturity of Certificates:

(1) exclusively own, operate and possess all property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with Gross Proceeds of the Certificates, and not use or permit the use of such Gross Proceeds (including all contractual arrangements with terms different than those applicable to the general public) or any property acquired, constructed or improved with such Gross Proceeds in any activity carried on by any person or entity (including the United States or any agency, department and instrumentality thereof) other than a state or local government, unless such use is solely as a member of the general public; and

(2) not directly or indirectly impose or accept any charge or other payment by any person or entity who is treated as using Gross Proceeds of the Certificates or any property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with such Gross Proceeds, other than taxes of general application within the City or interest earned on investments acquired with such Gross Proceeds pending application for their intended purposes.

(d) No Private Loan. Except to the extent permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall not use Gross Proceeds of the Certificates to make or finance loans to any person or entity other than a state or local government. For purposes of the foregoing covenant, such Gross Proceeds are considered to be “loaned” to a person or entity if: (1) property acquired, constructed or improved with such Gross Proceeds is sold or leased to such person or entity in a transaction which creates a debt for federal income tax purposes; (2) capacity in or service from such property is committed to such person or entity under a take-or-pay, output or similar contract or arrangement; or (3) indirect benefits, or burdens and benefits of ownership, of such Gross Proceeds or any property acquired, constructed or improved with such Gross Proceeds are otherwise transferred in a transaction which is the economic equivalent of a loan.

(e) Not to Invest at Higher Yield. Except to the extent permitted by Section 148 of the Code and the Regulations and rulings thereunder, the City shall not at any time prior to the final Stated Maturity of the Certificates directly or indirectly invest Gross Proceeds in any Investment (or use Gross Proceeds to replace money so invested), if as a result of such investment the Yield from the Closing Date of all Investments acquired with Gross Proceeds (or with money replaced thereby), whether then held or previously disposed of, exceeds the Yield of the Certificates.

(f) Not Federally Guaranteed. Except to the extent permitted by Section 149(b) of the Code and the Regulations and rulings thereunder, the City shall not take or omit to take any action which would cause the Certificates to be federally guaranteed within the meaning of Section 149(b) of the Code and the Regulations and rulings thereunder.

(g) Information Report. The City shall timely file the information required by Section 149(e) of the Code with the Secretary of the Treasury on Form 8038-G or such other form and in such place as the Secretary may prescribe.

(h) Rebate of Arbitrage Profits. Except to the extent otherwise provided in Section 148(f) of the Code and the Regulations and rulings thereunder:

(1) The City shall account for all Gross Proceeds (including all receipts, expenditures and investments thereof) on its books of account separately and apart from all other funds (and receipts, expenditures and investments thereof) and shall retain all records of accounting for at least six years after the day on which the last outstanding Certificate is discharged. However, to the extent permitted by law, the City may commingle Gross Proceeds of the Certificates with other money of the City, provided that the City separately accounts for each receipt and expenditure of Gross Proceeds and the obligations acquired therewith.

(2) Not less frequently than each Computation Date, the City shall calculate the Rebate Amount in accordance with rules set forth in Section 148(f) of the Code and the Regulations and rulings thereunder. The City shall maintain such calculations with its official transcript of proceedings relating to the issuance of the Certificates until six years after the final Computation Date.

(3) As additional consideration for the purchase of the Certificates by the Purchasers and the loan of the money represented thereby, and in order to induce such purchase by measures designed to

insure the excludability of the interest thereon from the gross income of the owners thereof for federal income tax purposes, the City shall pay to the United States out of its general fund, other appropriate fund or, if permitted by applicable Texas statute, regulation or opinion of the Attorney General of the State of Texas, the Certificate Fund, the amount that when added to the future value of previous rebate payments made for the Certificates equals (i) in the case of a Final Computation Date as defined in Section 1.148-3(e)(2) of the Regulations, one hundred percent (100%) of the Rebate Amount on such date; and (ii) in the case of any other Computation Date, ninety percent (90%) of the Rebate Amount on such date. In all cases, the rebate payments shall be made at the times, in the installments, to the place and in the manner as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder, and shall be accompanied by Form 8038-T or such other forms and information as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder.

(4) The City shall exercise reasonable diligence to assure that no errors are made in the calculations and payments required by paragraphs (2) and (3) and, if an error is made, to discover and promptly correct such error within a reasonable amount of time thereafter (and in all events within one hundred eighty (180) days after discovery of the error), including payment to the United States of any additional Rebate Amount owed to it, interest thereon, and any penalty imposed under Section 1.148-3(h) of the Regulations.

(i) Not to Divert Arbitrage Profits. Except to the extent permitted by Section 148 of the Code and the Regulations and rulings thereunder, the City shall not, at any time prior to the earlier of the Stated Maturity or final payment of the Certificates, enter into any transaction that reduces the amount required to be paid to the United States pursuant to Subsection (h) of this Section because such transaction results in a smaller profit or a larger loss than would have resulted if the transaction had been at arm's length and had the Yield of the Certificates not been relevant to either party.

(j) Elections. The City hereby directs and authorizes the Mayor, City Manager, First Assistant City Manager, Chief Financial Officer, Director of Finance and City Secretary, either or any combination of them, to make elections permitted or required pursuant to the provisions of the Code or the Regulations, as they deem necessary or appropriate in connection with the Certificates, in the Certificate as to Tax Exemption or similar or other appropriate certificate, form or document.

SECTION 30. Sale of the Certificates – Approval of Official Statement. Pursuant to a public sale for the Certificates, the bid submitted by _____ (herein referred to as the "Purchasers") is declared to be the best bid received producing the lowest true interest cost rate to the City, and the sale of the Certificates to said Purchaser at the price of par plus a cash premium of \$_____ is hereby determined to be in the best interests of the City and is approved and confirmed. Delivery of the Certificates to the Purchasers shall occur as soon as possible upon payment being made therefor in accordance with the terms of sale. The Initial Certificate shall be registered as provided in the winning bid.

Furthermore, the use of the Preliminary Official Statement prepared in connection with the public offering and sale of the Certificates is hereby ratified, confirmed and approved in all

respects. The final Official Statement being a modification and amendment of the Preliminary Official Statement and reflecting the terms of the sale (together with changes approved by the Mayor, Mayor Pro Tem, City Manager, First Assistant City Manager, Chief Financial Officer or Director of Finance, any one or more of said officials), shall be and is hereby approved as to form and content, and the Purchasers are hereby authorized to use and distribute said final Official Statement dated March 26, 2018, in the reoffering, sale and delivery of the Certificates to the public. The Mayor or Mayor Pro Tem and the City Secretary are further authorized to execute and deliver for and on behalf of the City copies of the Official Statement in final form as may be required by the Purchasers, and such Official Statement in final form and content shall be deemed to be approved by the City Council and shall constitute the Official Statement authorized for distribution and use by the Purchasers.

SECTION 31. Proceeds of Sale. The proceeds of sale of the Certificates, excluding the amounts to be used to pay the costs of issuing the Certificates, shall be deposited in a fund maintained at a depository bank of the City (the "Construction Fund"). Pending expenditure for authorized projects and purposes, such proceeds of sale may be invested in any authorized investments in accordance with the provisions of Texas Government Code, Chapter 2256, as amended, including guaranteed investment contracts, and the City's investment policies and guidelines, and any investment earnings realized may be expended for such authorized projects and purposes or deposited in the Certificate Fund as shall be determined by the City Council. Any investment earnings remaining after completion of all authorized projects or purposes shall be deposited to the credit of the Certificate Fund. Any surplus proceeds of sale may be deposited to the Certificate Fund or to another fund created for the payment of any Certificates.

SECTION 32. Control and Custody of Certificates. The Mayor of the City shall be and is hereby authorized to take and have charge of all necessary orders and records pending investigation by the Attorney General of the State of Texas, including the printing of the Certificates, and shall take and have charge and control of the Initial Certificate pending the approval thereof by the Attorney General, the registration thereof by the Comptroller of Public Accounts and the delivery thereof to the Purchasers.

Furthermore, the Mayor, City Manager, First Assistant City Manager, Chief Financial Officer, Director of Finance and City Secretary, any one or more of said officials, are hereby authorized and directed to furnish and execute such documents and certifications relating to the City and the issuance of the Certificates, including a certification as to facts, estimates, circumstances and reasonable expectations pertaining to the use and expenditure and investment of the proceeds of the Certificates as may be necessary for the approval of the Attorney General, registration by the Comptroller of Public Accounts and delivery of the Certificates to the purchasers thereof and, together with the City's financial advisor, bond counsel and the Paying Agent/Registrar, make the necessary arrangements for printing of definitive Certificates and the delivery of the Initial Certificates to the initial purchaser(s) and the exchange thereof for definitive Certificates.

SECTION 33. Continuing Disclosure Undertaking.

(a) Definitions.

As used in this Section, the following terms have the meanings ascribed to such terms below:

"MSRB" means the Municipal Securities Rulemaking Board.

“Rule” means SEC Rule 15c2-12, as amended from time to time.

“SEC” means the United States Securities and Exchange Commission.

(b) Annual Reports.

The City shall provide annually to the MSRB (1) within six months after the end of each fiscal year, beginning in or after 2018, financial information and operating data with respect to the City of the general type included under Tables numbered 1 through 6 and 8 through 17 of the Official Statement and (2) within twelve months after the end of each fiscal year ending in or after 2018, and if not provided as part of such financial information and operating data, audited financial statements of the City. Any financial statements so provided shall be prepared in accordance with the accounting principles described in Appendix B of the Official Statement hereto, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation, and audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided.

If the City changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document available to the public on the MSRB’s Internet Web site or filed with the SEC.

(c) Notice of Certain Events.

The City shall provide notice of any of the following events with respect to the Certificates to the MSRB in a timely manner and not more than ten (10) business days after occurrence of the event:

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB), or other material notices or determinations with respect to the tax status of the Certificates, or other material events affecting the tax status of the Certificates;
- (7) Modifications to rights of holders of the Certificates, if material;
- (8) Certificate calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the Certificates, if material;

- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership, or similar event of the City, which shall occur as described below;
- (13) The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of its assets, other than in the ordinary course of business, the entry into of a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

For these purposes, any event described in the immediately preceding subsection (c)(12) is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer for the City in a proceeding under the United States Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement, or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City.

The City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with subsection (b) of this Section by the time required by such Section.

(d) Filings with the MSRB.

All financial information, operating data, financial statements, notices and other documents provided to the MSRB in accordance with this Section shall be provided in an electronic format prescribed by the MSRB and shall be accompanied by identifying information as prescribed by the MSRB.

(e) Limitations, Disclaimers, and Amendments.

The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an “obligated person” with respect to the Certificates within the meaning of the Rule, except that the City in any event will give the notice required by subsection (c) of this Section of any Certificate calls and defeasance that cause the City to be no longer such an “obligated person.”

The provisions of this Section are for the sole benefit of the Holders and beneficial owners of the Certificates; and, nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section. Except as expressly provided within this Section, the City does not undertake to provide any other information, whether or not it may be relevant or material to a complete presentation of the City’s financial results, condition, or prospects; nor does the City undertake to update any information provided in accordance with

this Section or otherwise. Furthermore, the City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Certificates at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY CERTIFICATE OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

No default by the City in observing or performing its obligations under this Section shall constitute a breach of or default under this Ordinance for purposes of any other provision of this Ordinance.

Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

Notwithstanding anything herein to the contrary, the provisions of this Section may be amended by the City from time to time to adapt to changed circumstances resulting from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Certificates in the primary offering of the Certificates in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (2) either (a) the Holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the Outstanding Certificates consent to such amendment or (b) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the Holders and beneficial owners of the Certificates. The provisions of this Section may also be amended from time to time or repealed by the City if the SEC amends or repeals the applicable provisions of the Rule or a court of final jurisdiction determines that such provisions are invalid, but only if and to the extent that reservation of the City's right to do so would not prevent underwriters of the initial public offering of the Certificates from lawfully purchasing or selling Certificates in such offering. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided pursuant to subsection (b) of this Section an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided.

SECTION 34. Further Procedures. Any one or more of the Mayor, Mayor Pro Tem, City Manager, First Assistant City Manager, Chief Financial Officer, Director of Finance, and City Secretary are hereby expressly authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and on behalf of the City all agreements, instruments, certificates or other documents, whether mentioned herein or not, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance and the issuance, sale and delivery of the Certificates. In addition, prior to the delivery of the Certificates, the Mayor, Mayor Pro Tem, City Manager, First Assistant City Manager, Chief Financial Officer, Director of Finance, City Secretary or Bond Counsel to the City are each hereby authorized and directed to approve any changes or corrections to this Ordinance or to any of the documents authorized and approved by this

Ordinance: (i) in order to cure any ambiguity, formal defect, or omission in the Ordinance or such other document, or (ii) as requested by the Attorney General of the State of Texas or his representative to obtain the approval of the Certificates by the Attorney General. In the event that any officer of the City whose signature shall appear on any document shall cease to be such officer before the delivery of such document, such signature nevertheless shall be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

SECTION 35. Bond Counsel's Opinion. The Purchasers' obligation to accept delivery of the Certificates is subject to being furnished a final opinion of Norton Rose Fulbright US LLP, Dallas, Texas, Bond Counsel to the City, approving such Certificates as to their validity, said opinion to be dated and delivered as of the date of delivery and payment for such Certificates. A true and correct reproduction of said opinion or an executed counterpart thereof is hereby authorized to be either printed on definitive printed obligations or deposited with DTC along with the global certificates for the implementation and use of the Book-Entry-Only System used in the settlement and transfer of the Certificates.

SECTION 36. CUSIP Numbers. That CUSIP numbers may be printed or typed on the definitive Certificates. It is expressly provided, however, that the presence or absence of CUSIP numbers on the definitive Certificates shall be of no significance or effect as regards the legality thereof, and neither the City nor attorneys approving said Certificates as to legality are to be held responsible for CUSIP numbers incorrectly printed or typed on the definitive Certificates.

SECTION 37. Benefits of Ordinance. Nothing in this Ordinance, expressed or implied, is intended or shall be construed to confer upon any person other than the City, the Paying Agent/Registrar and the Holders, any right, remedy, or claim, legal or equitable, under or by reason of this Ordinance or any provision hereof, this Ordinance and all its provisions is intended to be and being for the sole and exclusive benefit of the City, the Paying Agent/Registrar and the Holders.

SECTION 38. Inconsistent Provisions. All ordinances, orders or resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters contained herein.

SECTION 39. Governing Law. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 40. Incorporation of Findings and Determinations. The findings and determinations of the City Council contained in the preamble hereof are hereby incorporated by reference and made a part of this Ordinance for all purposes as if the same were restated in full in this Section.

SECTION 41. Severability. If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 42. Effect of Headings. The Section headings herein are for convenience only and shall not affect the construction hereof.

SECTION 43. Construction of Terms. If appropriate in the context of this Ordinance, words of the singular number shall be considered to include the plural, words of the plural number shall be considered to include the singular, and words of the masculine, feminine or neuter gender shall be considered to include the other genders.

SECTION 44. Public Meeting. It is officially found, determined and declared that the meeting at which this Ordinance 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 Ordinance, was given, all as required by Texas Government Code, Chapter 551, as amended.

SECTION 45. Effective Date. In accordance with the provisions of Texas Government Code, Section 1201.028, as amended, this Ordinance shall be in force and effect from and after its passage and it is accordingly so ordained.

[remainder of page intentionally left blank]

PASSED AND ADOPTED, this March 26, 2018.

CITY OF RICHARDSON, TEXAS

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

(City Seal)

Robert D. Dransfield, Bond Counsel

EXHIBIT A
PAYING AGENT/REGISTRAR AGREEMENT



MEMO

DATE: March 22, 2018
TO: Honorable Mayor and City Council
FROM: Michael Spicer, Director of Development Services *MS*
SUBJECT: Zoning File 17-28: Special Permit – Ink.Corporated

REQUEST

This is a request for approval of a Special Permit for a Cosmetic Tattooing Establishment located at 304 S. Cottonwood Drive, between W. Belt Line Road and Stagecoach Drive, on the west side of S. Cottonwood Drive.

BACKGROUND

The subject property is a 0.41 acre lot developed in 1970 with a one story building approximately 5,200 square feet in area. No changes are proposed to the existing building or site.

The applicant is requesting a Special Permit for a Cosmetic Tattooing Establishment, which is not a listed use in the City's Comprehensive Zoning Ordinance (CZO); therefore approval of a Special Permit is required. The applicant, business owner and resident technician, Chris Torres, holds the required Texas license to perform cosmetic tattooing.

Based on discussions among the City Plan Commission (CPC), staff, and the applicant at the March 6 CPC meeting, it was evident that the proposed use is intended to be limited exclusively to tattoos on the scalp that represent hair and not any other form of tattoo anywhere else on the body. Though not stated in the CPC's motion to approve, a definition for Cosmetic Tattooing has been included with the proposed Special Conditions (Condition 2 - see attached). Cosmetic tattooing is defined as scalp micropigmentation (medical hairline tattoo) where natural pigments are applied at the epidermal level of the scalp to replicate the natural appearance of real hair follicles; said definition excludes the pigmentation of the scalp or any other part of the body with characters, symbols or representations of art.

PLAN COMMISSION RECOMMENDATION

The City Plan Commission, by unanimous vote, recommended approval of the request for a cosmetic tattooing establishment limited to Dallas Scalp Aesthetics and Chris Torres with the hours of operation limited to noon to 8:00pm, Monday through Saturday.

ATTACHMENTS

CPC Special Conditions	Aerial Map
Prospective Ordinance Special Conditions	Oblique Photo
CC Public Hearing Notice	Zoning Exhibit (Exhibit "B")
City Plan Commission Minutes 2018-03-06	Applicant's Statement
Staff Report	CPC Notice of Public Hearing
Zoning Map	Notification List

CITY PLAN COMMISSION RECOMMENDATION (3/6/18)

**ZF 17-28 Ink.corporated
Special Permit: Cosmetic Tattooing Establishment**

1. The Special Permit for cosmetic tattooing shall be limited to Dallas Scalp Aesthetics and Chris Torres. No other person, company, business or legal entity may operate a cosmetic tattooing establishment on the property other than Dallas Scalp Aesthetics and Chris Torres. The special permit automatically terminates upon the change in ownership or operator, in accordance with Article XXII-A, Section 7 of the Comprehensive Zoning Ordinance, as amended.
2. The property shall be developed in substantial conformance with the concept plan, attached as Exhibit "B" and made a part hereof.
3. The cosmetic tattooing establishment's hours of operation shall be limited to noon to 8:00pm, Monday through Saturday.

PROSPECTIVE ORDINANCE CONDITIONS

ZF 17-28 Ink.corporated Special Permit: Cosmetic Tattooing Establishment

NOTE: Based on the dialogue between the CPC and staff it was evident that tattoos limited to the scalp and exclusively of a cosmetic character intended to represent hair was the City Plan Commission's intent behind the recommendation to approve the Special Permit. Although Condition No. 2 below was not explicitly included in the motion for approval by the CPC, it would be included in the Special Permit ordinance to make clear the spirit and intent that informed the CPC's recommendation.

1. The Special Permit for cosmetic tattooing, as herein defined, shall be limited to Dallas Scalp Aesthetics and Chris Torres. No other person, company, business or legal entity may operate a cosmetic tattooing establishment on the property other than Dallas Scalp Aesthetics and Chris Torres. The special permit automatically terminates upon the change in ownership or operator, in accordance with Article XXII-A, Section 7 of the Comprehensive Zoning Ordinance, as amended.
2. *Cosmetic tattooing means scalp micropigmentation (medical hairline tattoo) where natural pigments are applied at the epidermal level of the scalp to replicate the natural appearance of real hair follicles, said definition excludes the pigmentation of the scalp or any other part of the body with characters, symbols or representations of art.*
3. The property shall be developed in substantial conformance with the concept plan, attached as Exhibit "B" and made a part hereof.
4. The cosmetic tattooing establishment's hours of operation shall be limited to noon to 8:00pm, Monday through Saturday.



Remit Payments (with Acct Number) to:
 The Dallas Morning News, P.O. BOX 660040, DALLAS, TX 75266-0040

Order Confirmation

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 Ad Order #: 0001670301 PO Number: CPN 7094
 Sales Rep: Lynda Black Order Taker: Lynda Black

Net Amount:	\$239.50	Tax Amount:	\$0.00	Total Amount:	\$239.50
Payment Method:	Check/Money Order	Payment Amount:	\$0.00	Amount Due:	\$239.50

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Ad Number: 0001670301-01

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**City of Richardson
 Public Hearing Notice**

The Richardson City Council will conduct a public hearing at 7:00p.m. on Monday, March 26, 2018, in the Council Chambers, Richardson Civic Center/City Hall, 411 W. Arapaho Road, to consider the following requests.

ZF 17-28

A request for approval of a Special Permit for a Cosmetic Tattooing Establishment located at 304 S. Cottonwood Drive, between W. Belt Line Road and Stagecoach Drive, on the west side of S. Cottonwood Drive. The property is currently zoned O-M Office.

ZF 18-01

A request to amend an existing Special Permit for a special permit for a dog daycare and boarding facility located at 1230 E. Belt Line Road, between S. Glenville Drive and S. Plano Road, on the south side of E. Belt Line Road. The property is currently zoned L.R-M (2) Local Retail.

ZF 18-07

A request to consider amendments to the former Town of Buckingham's Zoning Ordinance by amending Article I - Title, Purpose, Definitions and General Provisions; Article III - General Requirements and Exceptions; Article IV - Unified Residential District Regulations; Article V - Retail District Regulations; Article VI - Office/Retail District Regulations; Article VII - Office/Commercial District Regulations; Article VIII - Light Industrial/Manufacturing District Regulations; Article IX - Special Use Permits; Establishing Article X - Off-Street Parking; Re-enumerating Article X - Non-Conforming Uses as Article XI to be consistent with Article XXII - Nonconforming Uses of the City of Richardson's Comprehensive Zoning Ordinance; Re-enumerating Article XI - Amendment as Article XII to be consistent with Article XXIX - Changes and Amendments of the City of Richardson's Comprehensive Zoning Ordinance, and by

APPROVED
By Aimee Nemer at 11:12 am, Mar 08, 2018



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deleting Article XII -
 Penalty for Violation;
 Article XIII - Repealing
 Clause-Article; Article
 XIV - Validity and
 Severability, and Article
 XV - Effective Date in
 their entirety.

If you wish your opinion
 to be part of the record
 but are unable to attend,
 send a written reply prior
 to the hearing date to
 City Council, City of
 Richardson, P.O. Box
 830309, Richardson, Texas
 75083.

The City of Richardson
 /s/ Aimee Nemer, City
 Secretary

CPN 7094 Pub. 3/9/2018

Run Dates		Product	Placement/Classification - Position		
Publish Date:	03/09/2018	Stop Date:	03/09/2018	Dallas Morning News	Legals Bids Notices - LN Legal Notices
Publish Date:	03/09/2018	Stop Date:	03/15/2018	DallasNews.com	Legals Bids Notices - LN Legal Notices

**EXCERPT
CITY OF RICHARDSON
CITY PLAN COMMISSION MINUTES – March 6, 2018**

PUBLIC HEARINGS

Zoning File 17-28 – Ink.Corporated: A request for approval of a Special Permit for a Cosmetic Tattooing Establishment. The property is currently zoned O-M Office and is located at 304 S. Cottonwood Drive, between W. Belt Line Road and Stagecoach Drive, on the west side of S. Cottonwood Drive. Applicant: Chris Torres, Ink.Corporated. *Staff: Amy Mathews.*

Ms. Mathews clarified that Cosmetic Tattooing is not currently defined in the City of Richardson Comprehensive Zoning Ordinance and therefore required a Special Permit. She explained the tattooing was a specialized practice known as scalp pigmentation and scalp tattooing. The use is designated as ‘permanent makeup’ by the State Department of Health Services. The licensing falls under tattooing and body piercing studios. Ms. Mathews stated the applicant is the resident technician and holds the licensing. She concluded her presentation by stating the Special Permit would be limited to the applicant and their business. The hours of operation were listed as Tuesday through Saturday, Noon to 8 p.m.

Commissioner Springs asked if regardless of what kind of tattoo business might want to locate in Richardson, would they all require a Special Permit along with the same license from the State.

Ms. Mathews confirmed yes, any type of tattoo practice whether it was body tattoos, permanent make up, or scalp aesthetic, would require a Special Permit and the same license from the State.

With no further questions for staff, Chairman Taylor opened the public hearing.

Mr. Chris Torres, 304 S. Cottonwood Drive, Richardson, explained that he helps people who are experiencing hair loss issues by providing the illusion of a full head of hair in the form of scalp pigmentation. He stated it does wonders for his clients, and he has been receiving positive feedback.

Commissioner Maxwell asked Mr. Torres if would be available to come in on Sunday or Monday and extend his hours of operation or was he currently restricted from working on Mondays.

Mr. Torres advised he would address his client’s needs and accommodate them on a Monday if necessary.

Commissioner Maxwell pointed out that he would be in violation of the Special Permit because it clearly reads Tuesday through Saturday.

Commissioner DePuy asked Mr. Torres where his current business is located.

Mr. Torres advised he currently works at Boss Frog Tattoo in McKinney, Texas and stated he does scalp tattooing currently in addition to other body art.

Commissioner DePuy asked Mr. Torres if he would only do scalp tattooing at the Richardson location.

Mr. Torres confirmed the Richardson location would solely be scalp tattooing because customers preferred privacy and a better atmosphere.

Chairman Taylor asked Mr. Torres if he had gauged the demand for this service and was confident he would have customers for this process and during the requested hours of operation.

Mr. Torres confirmed yes.

Commissioner Southard asked Mr. Torres how people were referred to his business.

Mr. Torres advised people are looking for hair restoration through advertising and different, safe, and affordable alternatives.

No further questions were asked of the applicant and no further comments, in favor or opposed, were received, therefore, Chairman Taylor closed the public hearing.

Commissioner Maxwell suggested adjusting the hours of operation to include Monday to provide flexibility to the applicant.

Commissioner Springs asked Ms. Mathews what would prevent the applicant from having a traditional tattoo parlor.

Ms. Mathews stated one of the conditions would be that the Special Permit was specific to the applicant's name, the name of the business, and that it detailed the service was cosmetic.

Mr. Chavez stated staff and the applicant discussed how to prevent the transformation of the intent versus what was not desired, which was a tattoo parlor. He stated one limiting factor is the hours of operation. Mr. Chavez additionally advised the Special Permit would be limited to the Dallas Scalp Aesthetics, with the stated intent. Anything outside of this would be a violation of the Special Permit should it be approved.

Motion: Commissioner DePuy made a motion to approve Zoning File 17-28 with the added condition the applicant is allowed to be open Monday through Saturday, Noon to 8 p.m.; second by Commissioner Maxwell. Motion approved 7-0.



Staff Report

TO: City Council

THROUGH: Michael Spicer, Director of Development Services **MS**

FROM: Amy Mathews, Senior Planner **AM**

DATE: March 22, 2018

RE: **Zoning File 17-28:** Special Permit – Ink.Corporated

REQUEST:

A request for approval of a Special Permit for a Cosmetic Tattooing Establishment located at 304 S. Cottonwood Drive, between W. Belt Line Road and Stagecoach Drive, on the west side of S. Cottonwood Drive. (See applicant's statement for further explanation)

APPLICANT & PROPERTY OWNER:

Chris Torres, Ink.Corporated and Justin Khan, Plano Legacy Retail

EXISTING DEVELOPMENT:

The 0.41-acre site currently contains a single-story, 5,200 square foot office building occupied by a Birthing Center, Therapist and a Diagnostic Center.

ADJACENT ROADWAYS:

Coit Road: 6-lane divided Arterial, 52,320 vehicles per day, north and southbound, north of Belt Line (2017).

Beltline Road: 6-lane divided Arterial, 26,610 vehicles per day, east and westbound, east of Coit Road (2017).

SURROUNDING LAND USE AND ZONING:

North: Office; O-M Office

South: Office; O-M Office

East: Parks/Open Space; R-100-M Residential

West: Retail/Commercial; C-M Commercial

FUTURE LAND USE PLAN:

Neighborhood Service

Neighborhood Service includes service-related uses such as retail sales; personal services such as cleaners, barbers and beauty shops; entertainment; recreation; and office uses oriented to the immediate area. Retail centers often contain a major or junior anchor, but may not. Office uses in this category are usually integrated into retail centers, but may include small freestanding office buildings that provide services for the surrounding neighborhood. Some Neighborhood Service districts may include senior housing.

Future Land Uses of Surrounding Area:

North: Neighborhood Service
South: Neighborhood Service
East: Parks & Open Space
West: Neighborhood Service

EXISTING ZONING:

The property is currently zoned O-M Office

INFRASTRUCTURE IMPACTS:

The requested special permit will not have any significant impacts on the existing utilities or traffic in the area.

STAFF COMMENTS:

Background:

The existing building was built in 1970 as a medical office building. At this time, no changes are proposed to the existing facility and site.

Request:

The applicant is requesting a Special Permit for a Cosmetic Tattooing Establishment, which is an undefined use in the City's Comprehensive Zoning Ordinance (CZO). Therefore, a Special Permit is required for approval of the use. The owner specifically performs scalp pigmentation which is a highly advanced form of cosmetic pigmentation. For this request, cosmetic tattooing is defined as scalp micropigmentation (medical hairline tattoo) where natural pigments are applied at the epidermal level of the scalp to replicate the natural appearance of real hair follicles, said definition excludes the pigmentation of the scalp or any other part of the body with characters, symbols or representations of art. Furthermore, scalp pigmentation requires the practitioner to apply specialized pigments using different needle sizes, depths, angles, colors, and distribution rates depending on the scalp and skin tone of the individual and the desired final appearance.

Scalp pigmentation only penetrates the top layers of skin, and is classified as "Intradermal Cosmetics" (permanent makeup) by the Texas Department of State Health Services. This use falls under the licensing requirements for Tattoo and Body Piercing Studios. Texas requires any

business that is in the practice of producing an indelible mark or figure on the human body by inserting pigments under the skin using needles, scalpels, or other related equipment to license with the Department of State Health Services. The applicant and resident technician, Chris Torres, holds the required Texas license.

Based on dialogue between the City Plan Commission (CPC), staff, and the applicant, it was evident that the proposed use would be limited to tattoos on the scalp that represent hair and not traditional body area tattoos.

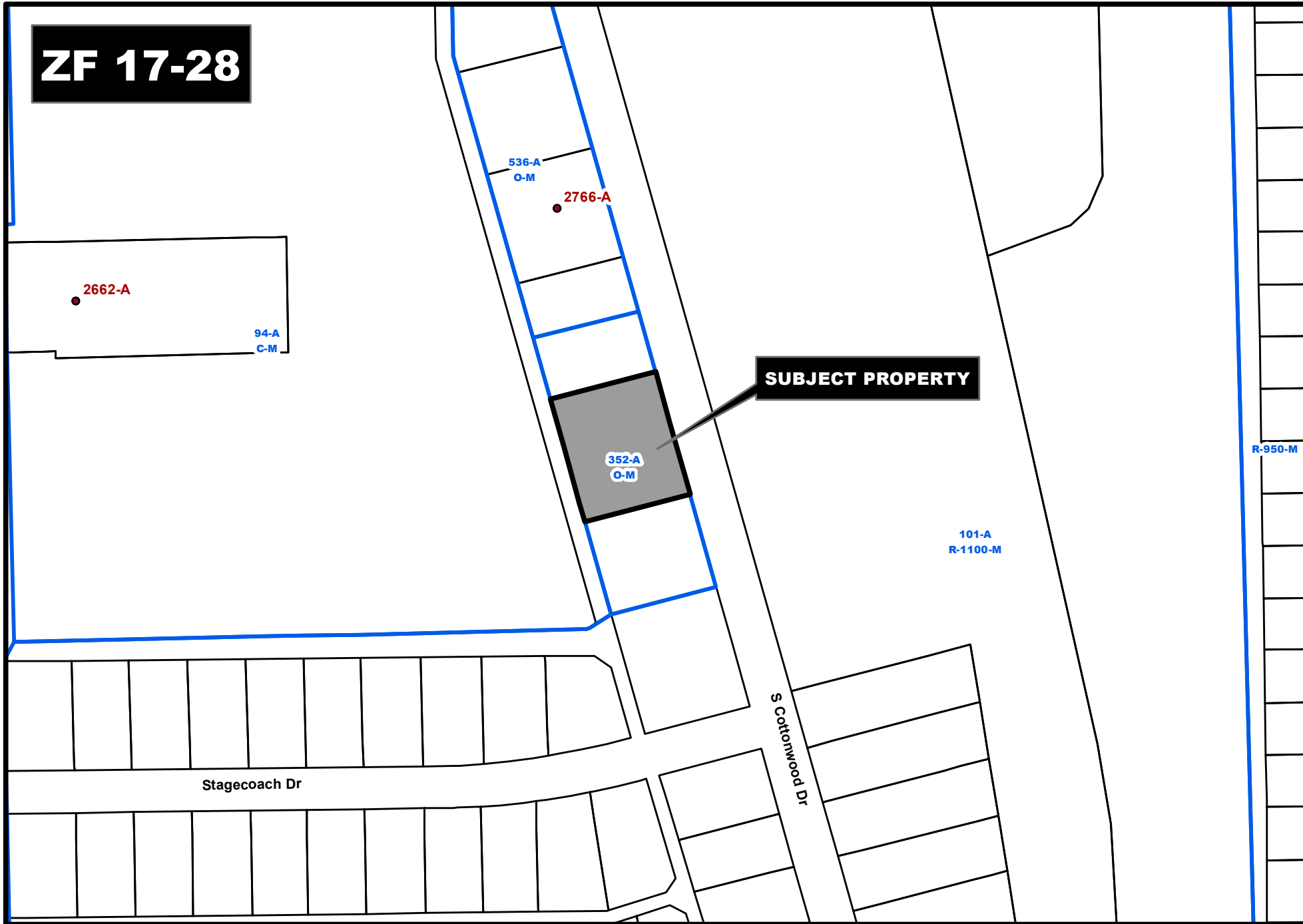
The lease space for the business is approximately 320 square feet. The hours of operation are would be limited to between noon and 8:00pm, Monday through Saturday.

Correspondence: To date, staff has received one phone call regarding this request.

Motion: On March 6, 2018, the City Plan Commission unanimously recommended approval of the applicant's request, subject to the following special conditions:

1. The Special Permit for cosmetic tattooing shall be limited to Dallas Scalp Aesthetics and Chris Torres. No other person, company, business or legal entity may operate a cosmetic tattooing establishment on the property other than Dallas Scalp Aesthetics and Chris Torres. The special permit automatically terminates upon the change in ownership or operator, in accordance with Article XXII-A, Section 7 of the Comprehensive Zoning Ordinance, as amended.
2. The property shall be developed in substantial conformance with the concept plan, attached as Exhibit "B" and made a part hereof.
3. The cosmetic tattooing establishment's hours of operation shall be limited to noon to 8:00pm, Monday through Saturday.

ZF 17-28



ZF 17-28 Zoning Map

Updated By: mathwsa, Update Date: 11/13/2017 \File: DS\Zoning Cases\2017\ZF 17-28\Graphics\Zoning Map.mxd

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



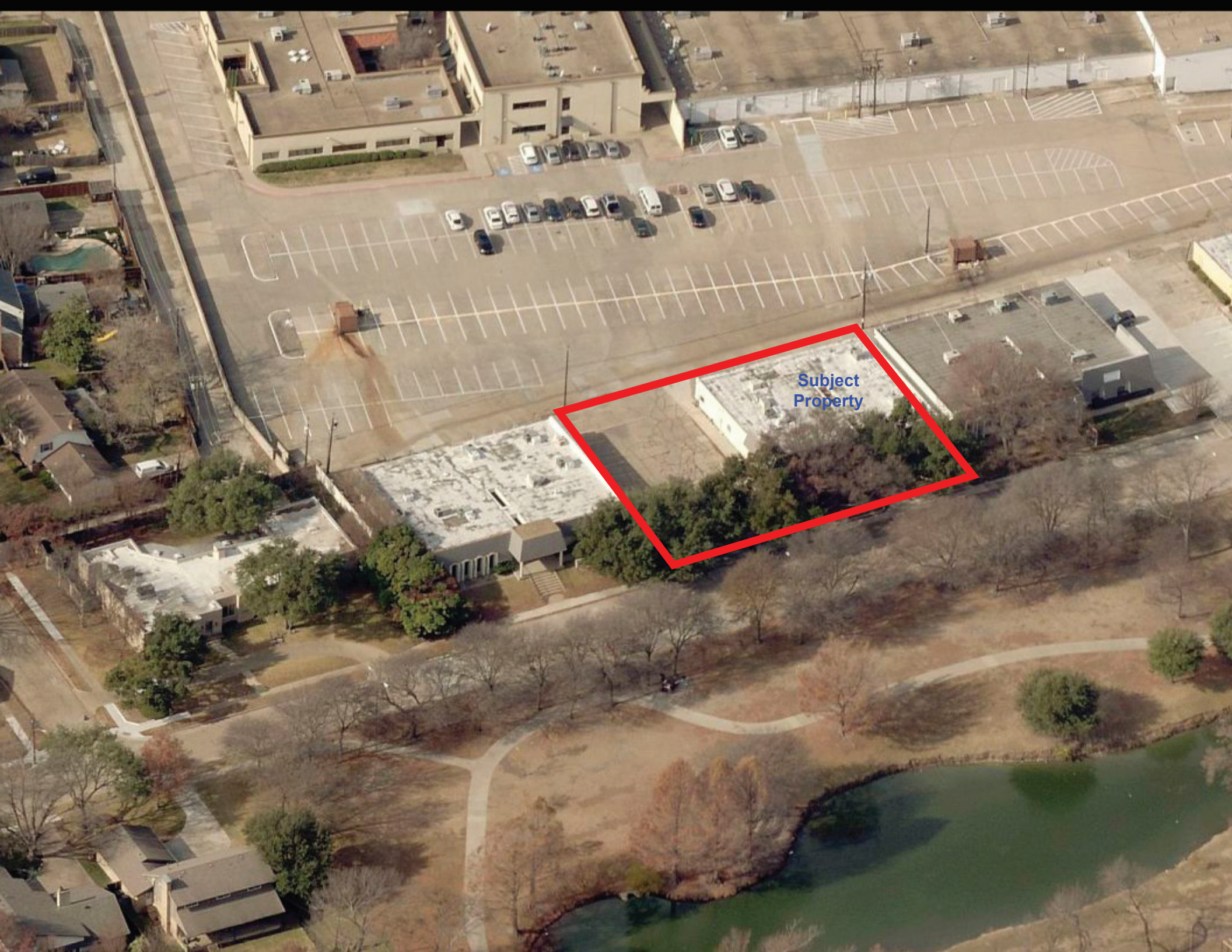


ZF 17-28 Aerial Map

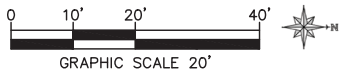
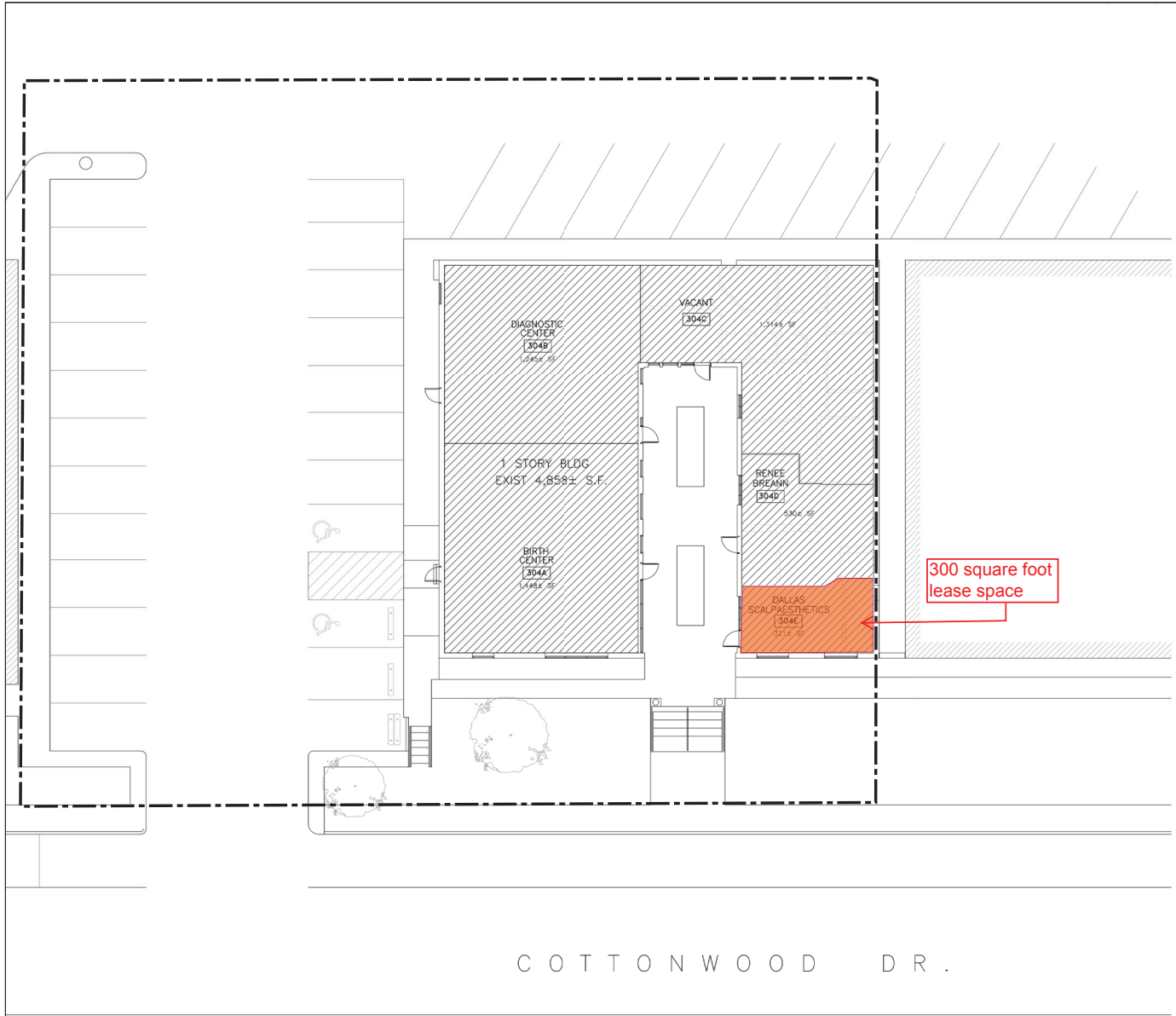
Updated By: mathwsa, Update Date:11/13/2017\File: DS\Zoning Cases\2017\ZF 17-28\Graphics\Ortho Map.mxd

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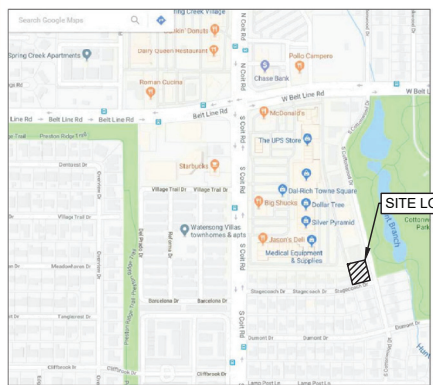
Subject
Property



Acreage	0.41 acre
Existing Zoning	O-M Office
Proposed Zoning	O-M Office with Special Permit for a Cosmetic Tattooing Establishment
Building Size	5,200 sf
Required Parking (1:250)	21 spaces
Provided Parking	29 spaces

ZONING EXHIBIT "B"

304 S. Cottonwood Drive
Richardson, Texas 75080



OWNER: JUSTIN KHAN
2541 BUNKER HILL CIR
PLANO, TEXAS 75075
469.235.9828

VICINITY MAP
N.T.S.

304 S COTTONWOOD DR SUITE D | RICHARDSON, TX 75080

SCALP AESTHETICS

RECREATING HAIR THE SAFE WAY

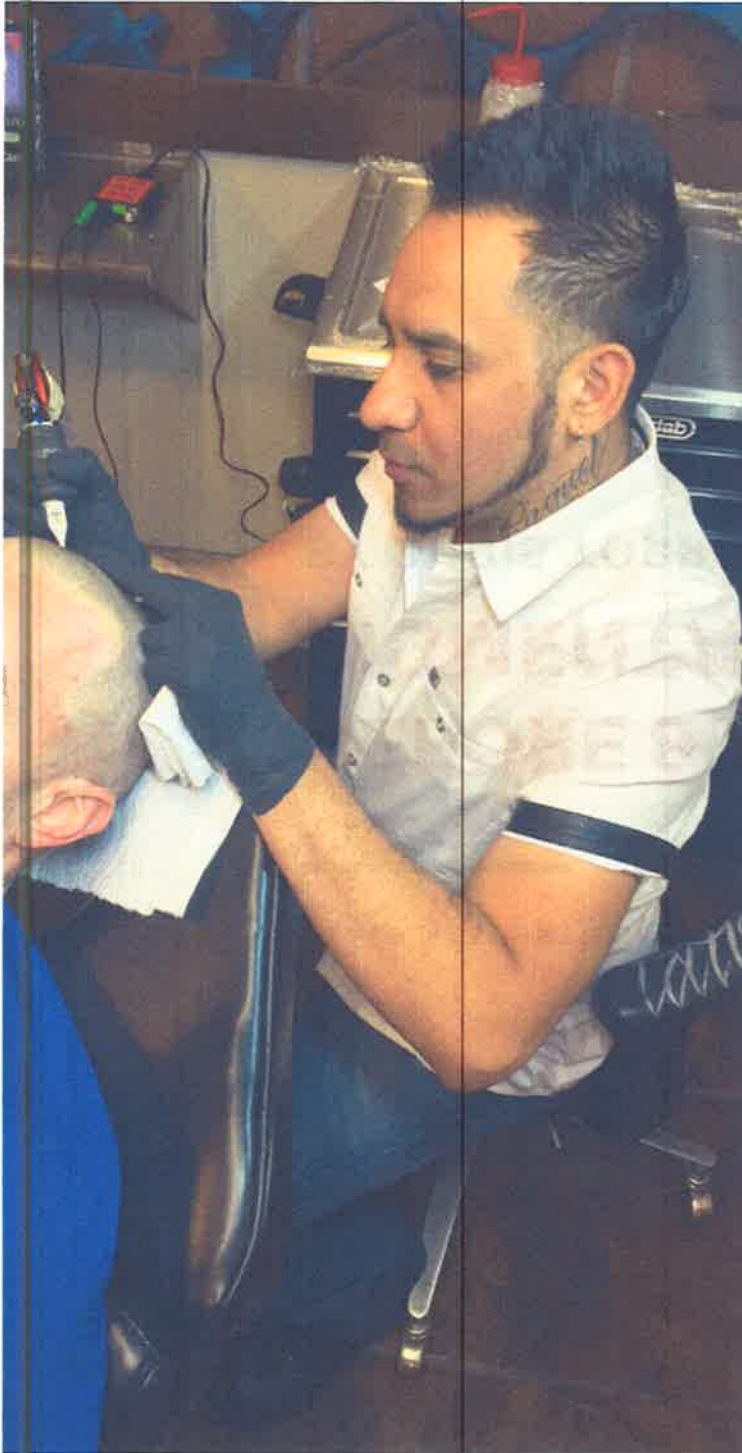
CHRIS TORRES SCALP MICROPIGMENTATION CREATOR

SCALP AESTHETICS

WHY SCALP AESTHETICS?

For many people, it's hard to imagine what they might look like after their Scalp Aesthetics procedure. In particular for those who have always kept their hair at a longer length, it can be hard to picture how they might look even after just shaving their head! That's why we offer a simulation service to mimic your probable appearance after scalp micropigmentation.

Various awards among all aspects from many conventions and shop awards. Recognition in dvd/videos and tons on magazines you can find displayed on the walls of the shop. It's a must see.



SCALP AESTHETICS

SAFEST APPROACH BEST SOLUTION

Our level of experience and attention to detail makes us the #1 SMP company in the world. Some clients desire a natural softer hairline while others prefer a straighter, edged-up look. Many clients need scars concealed as well as density created in their hair-transplanted areas. Others need a full head application due to genetic or health-related hair loss or thinning.

SCALP AESTHETICS

BEFORE & AFTER SCALP PIGMENTATION

BY CHRIS TORRES

Questions & Answers

How long does the pigment last?

The scalp pigmentation can last as long as 10+ years depending on the level of aftercare. Using proper sunscreen, vitamins, & moisturizers for skin protectant assure a longer lasting result.

How long does the procedure take?

For scars, it typically takes between 1-2 hours, and anywhere from 4-6 hours for standard "top of head" procedure.

What is the recovery time?

Immediately after the procedure, the treated area is red and tender for approximately 24 to 48 hours. It will look totally natural in about 2 days and you may return to work the next day.

Questions & Answers

Organic Inks vs. Tattoo Inks?

Our inks are organic & charcoal based, which means that there is no chance for your pigmentation ever turning blue or green like tattoo inks. We do a perfect hair follicle match, mixing the specific color for each client right before each procedure.

What about your needles?

We use proprietary needles that replicate the diameter of a natural hair follicle. This ensure that you will have a natural look instead of the thicker tattoo needles that leave big dots, looking like a sharpie point.

TESTIMONIALS AFTER THEIR RESULTS

I was initially reluctant to have the scalp aesthetics tattoo procedure done for obvious reasons, but, after my initial consultation with Chris Torres, I was more encouraged and confident that it was something I wanted to do. I have the male balding pattern thing going on in the middle/crown of my head and, quite frankly, it was affecting my self-confidence; thus, negatively impacting my swag. So, I decided to go for it, and had the procedure done about 4 weeks ago, with a follow-up session being a little over a week ago. Chris, The Maestro, after two sessions, had me looking like a man with confidence. His attention to detail and keen focus on doing things perfectly so that I can represent his work well, was nothing short of superb. I am strongly recommending that guys get this procedure done and please go to Chris, The Maestro.

For five years I've woken up every day shaving my head and feeling like I was 20 years older. Ever since Torres did what, I can only call magic for me, my confidence has improved, and for the first time in 10 years I was actually carded when buying a case of beer. Not bad for 35-year-old. It's a noticeable improvement, but not enough for anyone to really know that anything was done. Everyone just thinks I'm finally not just shaving with a bic razor and I have a hairline. Subtle is the key. Torres you've changed my life and I thank you very much.



Notice of Public Hearing

City Plan Commission • Richardson, Texas

An application has been received by the City of Richardson for a:

SPECIAL PERMIT

File No./Name: ZF 17-28 / Ink.Corporated
Property Owner: Justin Khan
Applicant: Chris Torres
Location: 304 S. Cottonwood Drive, west of S. Cottonwood Drive and north of Stagecoach Drive (See map on reverse side)
Current Zoning: O-M Office
Request: A request for approval of a Special Permit for a Cosmetic Tattooing Establishment.

The City Plan Commission will consider this request at a public hearing on:

TUESDAY, MARCH 6, 2018
7:00 p.m.
City Council Chambers
Richardson City Hall, 411 W. Arapaho Road
Richardson, Texas

This notice has been sent to all owners of real property within 200 feet of the request; as such ownership appears on the last approved city tax roll.

Process for Public Input: A maximum of 15 minutes will be allocated to the applicant and to those in favor of the request for purposes of addressing the City Plan Commission. A maximum of 15 minutes will also be allocated to those in opposition to the request. Time required to respond to questions by the City Plan Commission is excluded from each 15 minute period.

Persons who are unable to attend, but would like their views to be made a part of the public record, may send signed, written comments, referencing the file number above, prior to the date of the hearing to: Dept. of Development Services, PO Box 830309, Richardson, TX 75083.

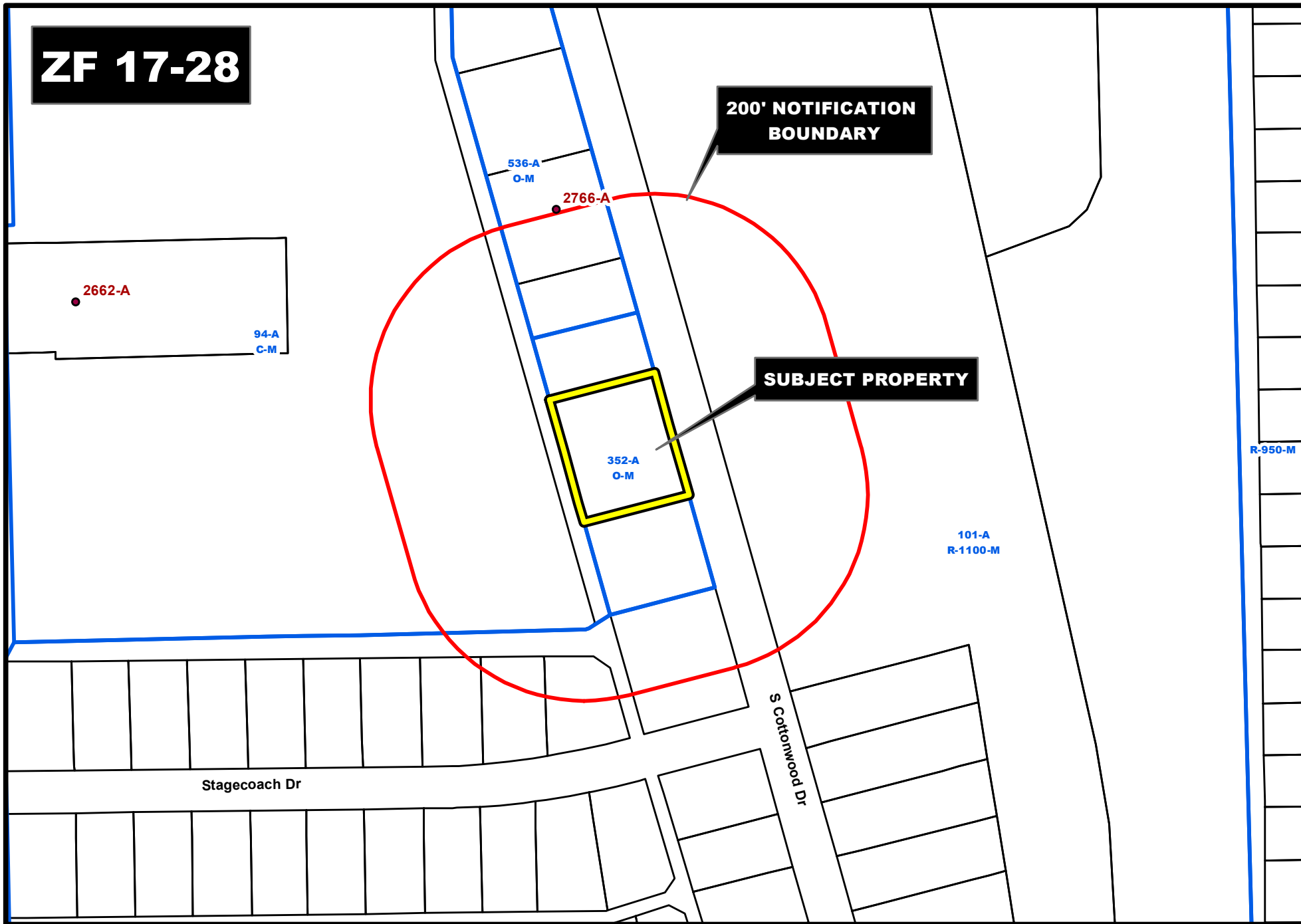
The City Plan Commission may recommend approval of the request as presented, recommend approval with additional conditions or recommend denial. Final approval of this application requires action by the City Council.

Agenda: The City Plan Commission agenda for this meeting will be posted on the City of Richardson website the Saturday before the public hearing. For a copy of the agenda, please go to: <http://www.cor.net/index.aspx?page=1331>.

For additional information, please contact the Dept. of Development Services at 972-744-4240 and reference Zoning File number ZF 17-28.

Date Posted and Mailed: 02/23/2018

ZF 17-28



ZF 17-28 Notification Map



DAL RICH VILLAGE LTD C/O CENCOR
REALTY SVC INC

3102 MAPLE AVE STE 500
DALLAS, TX 752011262

AMM HOLDINGS II LLC 2385
HAMMOND DR STE 6

SCHAUMBURG, IL 601733844

SPRADLING MARK & OHSPRADLING
LEIA

406 S COTTONWOOD DR
RICHARDSON, TX 750805708

RACHEL TAMARA DENE 1416
STAGECOACH DR

RICHARDSON, TX 750805719

RICHARDSON CITY OF TAX DEPT SUITE
101

411 W ARAPAHO RD STE 101
RICHARDSON, TX 750804543

KHAN JUSTIN R 2541 BUNKER HILL CIR
PLANO, TX 750752926

GUTIERREZ CYNTHIA TRUST 1418
STAGECOACH DR

RICHARDSON, TX 750805719

APOSTOLIC CHURCH THE 212 S
COTTONWOOD DR

RICHARDSON, TX 750805706

HMK LTD 1119 SINGLETON BLVD
DALLAS, TX 752125217

ARROYO BERENICE & NOBLIN DAVID L
JR

1420 STAGECOACH DR
RICHARDSON, TX 750805719



MEMO

DATE: March 22, 2018
TO: Honorable Mayor and City Council
FROM: Michael Spicer, Director of Development Services *MS*
SUBJECT: Zoning File 18-01: Special Permit –Dog Daycare and Boarding Facility

REQUEST

This is a request to amend an existing Special Permit (Ordinance 4237) for a dog daycare and boarding facility located at 1230 E. Belt Line Road, on the south side of E. Belt Line Road between S. Glenville Drive and S. Plano Road.

BACKGROUND

The subject property is a 0.62 acre lot developed with a 3,838 square foot building used as a dog daycare and boarding facility. The site also includes an outdoor fenced play area located along the south property line that is enclosed by a vinyl privacy fence six feet in height.

In 2006, a Special Permit for a dog daycare and boarding facility was approved and the proprietorship was limited to the Velvet Snout, and Laura Couch and/or Tracey Henderson. Last year, Destination Pet, LLC began the process of purchasing the business and therefore needed to amend the existing Special Permit due to the limits of the operation of the business to the specific owners and name. On November 13, 2017, the City Council approved Ordinance 4237 limiting the Special Permit to Destination Pet, LLC. However, the sales transaction did not happen, thus requiring the Special Permit language to be modified again.

The applicant requested that Special Permit be limited to the Velvet Snout, LLC and not a specific person. However, after considerable discussion at the City Plan Commission (CPC) meeting, the CPC recommended approval of the request for a dog day care and dog boarding establishment with no limitation to a specific name or entity. This will make it easier in the future if the business is sold. The site design is limited to the attached Zoning Exhibit. At this time, no changes are proposed to the existing facility and site. No correspondence regarding this request has been received.

PLAN COMMISSION RECOMMENDATION

The City Plan Commission, by unanimous vote, recommended approval of the request to delete the condition limiting the facility's operation to a specific name and entity.

ATTACHMENTS

Special Conditions	Oblique Photo
CC Public Hearing Notice	Zoning Exhibit (Exhibit "B")
City Plan Commission Minutes 2018-03-06	Ordinance 4237
Staff Report	Applicant's Statement
Zoning Map	Notice of Public Hearing
Aerial Map	Notification List

ZF 18-01 Special Conditions - Special Permit – Velvet Snout

1. A Special Permit shall be granted for a dog day care and dog boarding establishment depicted on the attached Zoning Concept Plan, marked as Exhibit “B” and made a part thereof.



Remit Payments (with Acct Number) to:
The Dallas Morning News, P.O. BOX 660040, DALLAS, TX 75266-0040

Order Confirmation

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Color: **Ad Size:** 1 X 114.00 Li

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ZF 17-28

A request for approval of a Special Permit for a Cosmetic Tattooing Establishment located at 304 S. Cottonwood Drive, between W. Belt Line Road and Stagecoach Drive, on the west side of S. Cottonwood Drive. The property is currently zoned O-M Office.

ZF 18-01

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ZF 18-07

A request to consider amendments to the former Town of Buckingham's Zoning Ordinance by amending Article I - Title, Purpose, Definitions and General Provisions; Article III - General Requirements and Exceptions; Article IV - Unified Residential District Regulations; Article V - Retail District Regulations; Article VI - Office/Retail District Regulations; Article VII - Office/Commercial District Regulations; Article VIII - Light Industrial/Manufacturing District Regulations; Article IX - Special Use Permits; Establishing Article X - Off-Street Parking; Re-enumerating Article X - Non-Conforming Uses as Article XI to be consistent with Article XXII - Nonconforming Uses of the City of Richardson's Comprehensive Zoning Ordinance; Re-enumerating Article XI - Amendment as Article XII to be consistent with Article XXIX - Changes and Amendments of the City of Richardson's Comprehensive Zoning Ordinance, and by

APPROVED
By Aimee Nemer at 11:12 am, Mar 08, 2018



Remit Payments (with Acct Number) to:
 The Dallas Morning News, P.O. BOX 660040, DALLAS, TX 75266-0040

Order Confirmation

Customer:	CITY OF RICHARDSON	Customer Account:	100010162
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deleting Article XII -
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If you wish your opinion
 to be part of the record
 but are unable to attend,
 send a written reply prior
 to the hearing date to
 City Council, City of
 Richardson, P.O. Box
 830309, Richardson, Texas
 75083.

The City of Richardson
 /s/ Aimee Nemer, City
 Secretary

CPN 7094 Pub. 3/9/2018

Run Dates		Product	Placement/Classification - Position		
Publish Date:	03/09/2018	Stop Date:	03/09/2018	Dallas Morning News	Legals Bids Notices - LN Legal Notices
Publish Date:	03/09/2018	Stop Date:	03/15/2018	DallasNews.com	Legals Bids Notices - LN Legal Notices

**EXCERPT
CITY OF RICHARDSON
CITY PLAN COMMISSION MINUTES – March 6, 2018**

PUBLIC HEARINGS

Zoning File 18-01 – Velvet Snout: A request to amend an existing Special Permit (Ordinance 4237) for a Special Permit for a dog daycare, and boarding facility located at 1230 E. Belt Line Road, south side of E. Belt Line Road between S. Glenville Drive and S. Plano Road. The property is currently zoned LR-M(2) Local Retail. Applicant: Laura Couch, The Velvet Snout. Staff: Amy Mathews.

Ms. Mathews advised the subject site came through last November and an ordinance was approved by City Council to change the name to Destination Pet. The Special Permit was originally under Velvet Snout and the owner's name. The Special Permit that was changed in 2017 is now irrelevant as the owners did not sell the business to Destination Pet. The applicant has returned to request the name be updated, and is not proposing any other changes.

Commissioner Roland asked if this was only a name change and what was it required to be changed to?

Ms. Mathews stated the options were included The Velvet Snout, The Velvet Snout with the applicant's names, or just a dog daycare and boarding establishment.

With no further question, Chairman Taylor opened the public hearing.

Laura Couch, 7360 Paldao Drive, Dallas, Texas, stated she would request the name be changed to only The Velvet Snout or the use in the event that the business were to sell in the future.

No further questions were asked of the applicant and no further comments, in favor or opposed, were received, therefore, Chairman Taylor closed the public hearing.

Commissioner DePuy stated it would be best to issue the Special Permit to the use; a dog daycare and boarding facility, in lieu of issuing the Special Permit to the business name and/or person as requested by the applicant.

Commissioner Roland stated there was no foreseeable problem with naming the property in the general use description, as the Special Permit would terminate if a new owner purchased the facility.

Mr. Chavez advised if the Special Permit for a dog daycare and kennel facility were issued, the section that deals with its termination would no longer be relevant. The Special Permit would be for a dog daycare and boarding establishment and a change in ownership or business name would not void the Special Permit. The language that speaks about termination is tied to the entity, and the Special Permit use would be tied to the property.

Motion: Commissioner Springs made a motion to approve item 4 of the Consent Agenda as presented; subject to issuing the Special Permit for a dog daycare and dog boarding establishment in lieu of to “Velvet Snout and Laura Couch and/or Tracey Henderson”, second by Commissioner Roland. Motion approved 7-0.



Staff Report

TO: City Council

THROUGH: Michael Spicer, Director of Development Services **MS**

FROM: Amy Mathews, Senior Planner **AM**

DATE: March 26, 2018

RE: **Zoning File 18-01:** Velvet Snout - Special Permit

REQUEST:

A request to amend an existing Special Permit (Ordinance 4237) for a dog daycare and boarding facility located at 1230 E. Belt Line Road, south side of E. Belt Line Road between S. Glenville Drive and S. Plano Road. (See applicant's statement for further explanation)

APPLICANT & PROPERTY OWNER:

Laura Couch, the Velvet Snout and Robert Resneder, U.S. Trust (Bank of America)

EXISTING DEVELOPMENT:

The 0.62-acre site currently contains a 3,838 square foot building used as a dog daycare and boarding facility per Ordinance 4237 (attached).

ADJACENT ROADWAYS:

Belt Line Road: 6-lane divided Arterial, 31,970 vehicles per day, east and westbound, west of E. Glenville Drive (2016).

Glenville Drive Road: 4-lane divided Major Collector (south of Belt Line Road), 2,660 vehicles per day, north and southbound, south of Belt Line Road (2016).

SURROUNDING LAND USE AND ZONING:

North: Retail/Commercial; C-M Commercial
South: Retail/Commercial; LR-M(2) Local Retail
East: Retail/Commercial; LR-M(2) Local Retail
West: Retail/Commercial; LR-M(2) Local Retail

FUTURE LAND USE PLAN:

Community Commercial

Community Commercial includes retail centers with multiple anchors, mid-rise office, entertainment and hospitality uses. The trade area for these districts extends beyond the immediate neighborhood, sometimes to the City as a whole or even beyond Richardson's boundaries.

Future Land Uses of Surrounding Area:

North: Community Commercial
South: Community Commercial
East: Community Commercial
West: Community Commercial

EXISTING ZONING:

The property is currently zoned LR-M(2) Local Retail.

INFRASTRUCTURE IMPACTS:

The requested special permit will not have any significant impacts on the existing utilities or traffic in the area.

STAFF COMMENTS:

Background:

In 2006, a Special Permit for a dog daycare and boarding facility was approved per Ordinance 3557. At the time, the site contained a 3,838 square foot empty restaurant building. After approval, the owner modified the building to include spaces for a dog day care program along with dog grooming, overnight boarding, training facilities for dogs, and an outdoor fenced play area.

Request:

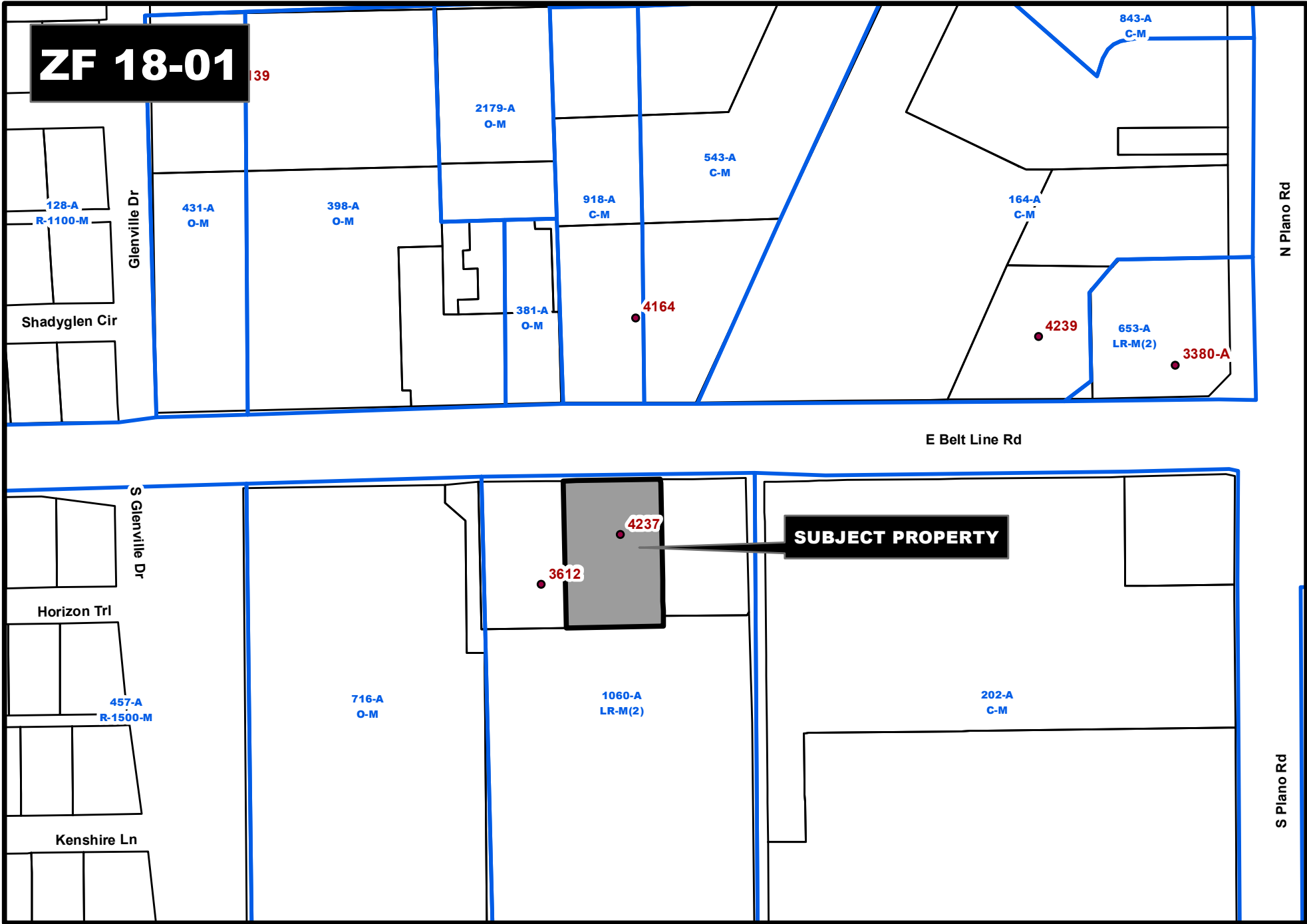
On November 13, 2017, the City Council approved Ordinance 4237 limiting the Special Permit to Destination Pet, LLC or any corporation or other legal entity in which Destination Pet, LLC owns or controls a majority interest. However, the sale of the company to Destination Pet, LLC did not transpire and therefore the Special Permit once again needs to be modified since it is tied to a specific owner. Furthermore, the owner would like to request that the special permit be restricted to the "Velvet Snout" name and not a specific person. At this time, no changes are proposed to the existing facility and site.

In the Applicant's Statement, the owner requested that Special Permit be limited to the business name Velvet Snout, LLC and not a specific person. However, after considerable discussion at the City Plan Commission (CPC) meeting, the CPC decided to recommend approval of the request for a dog day care and dog boarding establishment with no limitation to a specific name or entity.

Correspondence: To date, staff has not received any correspondence regarding this request.

Motion: On March 6, 2018, the City Plan Commission unanimously recommended approval of the applicant's request, subject to the following special conditions:

1. A Special Permit shall be granted for a dog day care and dog boarding establishment depicted on the attached Zoning Concept Plan, marked as Exhibit "B" and made a part thereof.

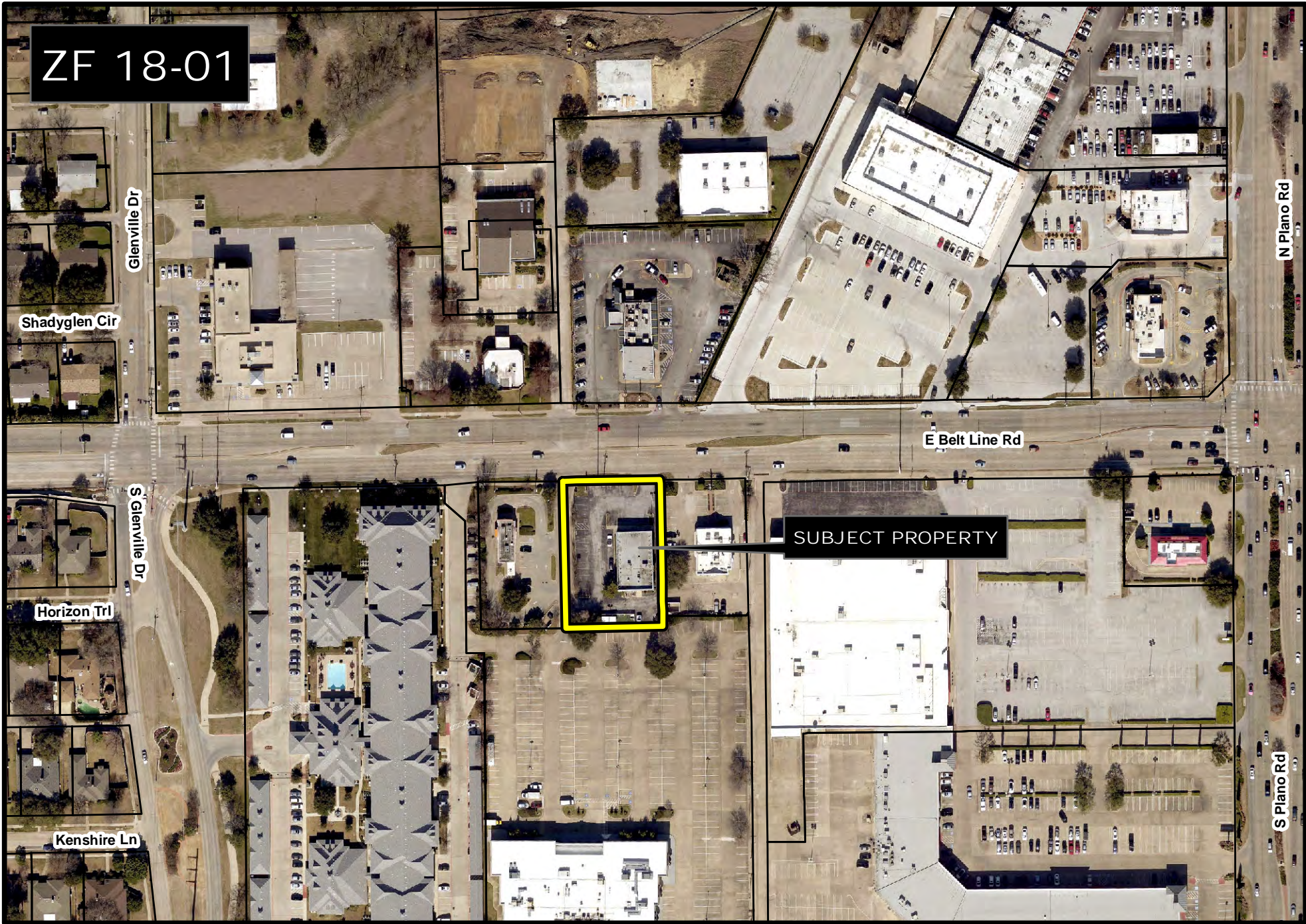


ZF 18-01 Zoning Map

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

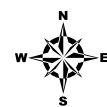


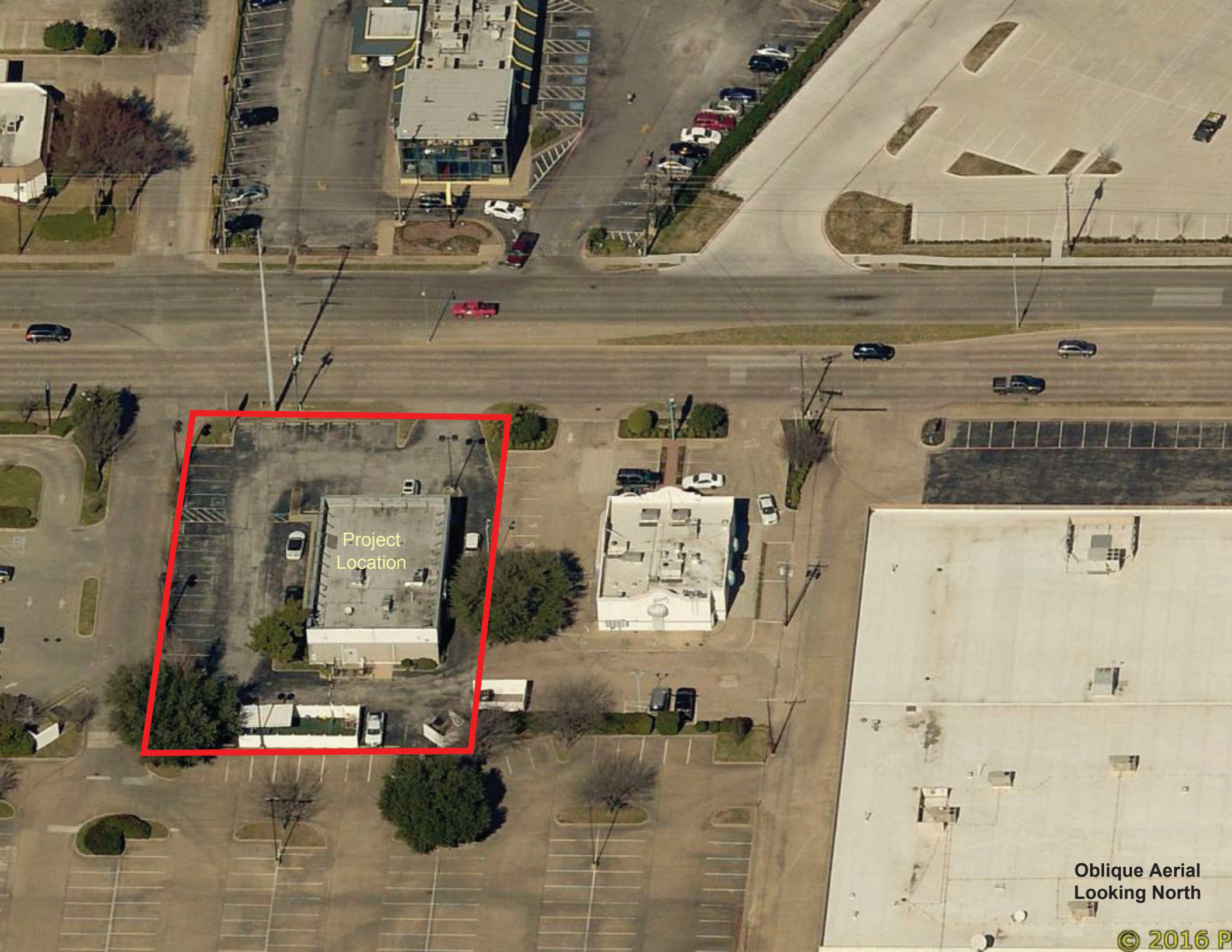
ZF 18-01



ZF 18-01 Aerial Map

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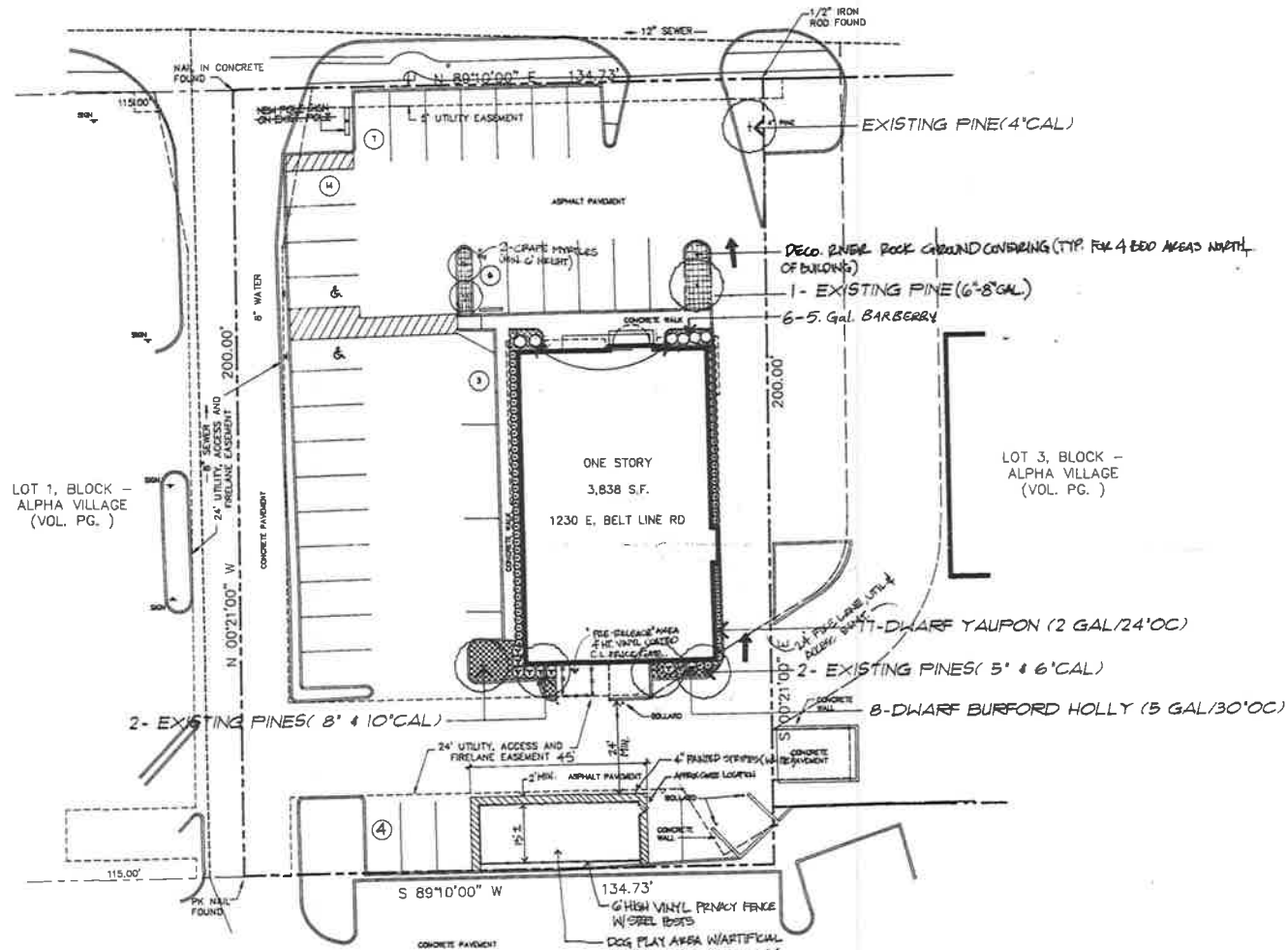
Project
Location

Oblique Aerial
Looking North

© 2016 P

BM #1

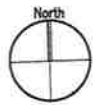
BELT LINE ROAD



LOT 1, BLOCK - ALPHA VILLAGE (VOL. PG.)

LOT 3, BLOCK - ALPHA VILLAGE (VOL. PG.)

LOT AREA: 26,946 S.F. (0.62 AC.)
 BUILDING AREA: 3,838 S.F.
 LANDSCAPE AREA REQ'D.: 1,886 S.F. (7%)
 LANDSCAPE AREA EXISTING: 1,950 S.F. (7.2%)
 PARKING REQUIRED: 159/333 S.F. = 12 SPACES
 PARKING PROVIDED: 34 SPACES



ORDINANCE NO. 4237

AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF RICHARDSON, AS HERETOFORE AMENDED, TO GRANT A CHANGE IN ZONING BY GRANTING A SPECIAL USE PERMIT FOR A DOG DAYCARE AND BOARDING FACILITY IN AN LR-M (2) LOCAL RETAIL DISTRICT, WITH SPECIAL CONDITIONS FOR THE PROPERTY LOCATED AT 1230 E. BELT LINE ROAD, IN THE CITY OF RICHARDSON, TEXAS, BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" AND AS DEPICTED ON CONCEPT PLAN ATTACHED AS EXHIBIT "B" HERETO; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE. (ZONING FILE 17-26).

WHEREAS, the City Plan Commission of the City of Richardson and the governing body of the City of Richardson, in compliance with the laws of the State of Texas and the ordinances of the City of Richardson, have given requisite notice by 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, the governing body, in the exercise of the legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance and Zoning Map of the City of Richardson, Texas, duly passed by the governing body of the City of Richardson on the 5th day of June, 1956, as heretofore amended, be, to grant a change in zoning by granting a special permit for a dog day care and boarding facility with special conditions in an LR-M (2) Local Retail District for the property located at 1230 E. Belt Line Road in Richardson, Texas, being more particularly described in Exhibit "A" and as depicted on Exhibit "B", attached hereto and made a part hereof for all purposes.

SECTION 2. That the Special Permit for a dog daycare and boarding facility is hereby conditionally granted subject to the following special conditions:

1. The Special Permit shall be limited to Destination Pet, LLC or any corporation or other legal entity in which Destination Pet, LLC owns or controls a majority interest, provided the purpose of said corporation or other legal entity is to provide dog day care and dog boarding at the property. No other person, company, business or legal entity may operate the dog daycare and boarding facility on the property other than the above. The Special Permit automatically terminates upon the change in ownership or operator, or change in the business name, except as provided above in accordance with Article XXII-A, Section 7 of the Comprehensive Zoning Ordinance, as amended.
2. The property shall be developed in substantial conformance with the concept plan, attached as Exhibit "B" and made a part hereof.

SECTION 3. That the above-described tract of land shall be used in the manner and for the purpose provided for by the Comprehensive Zoning Ordinance of the City of Richardson, Texas, as heretofore amended, and subject to the special conditions.

SECTION 4. That all provisions of the ordinances of the City of Richardson in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Richardson not in conflict with the provisions of this Ordinance shall remain in full force and effect.

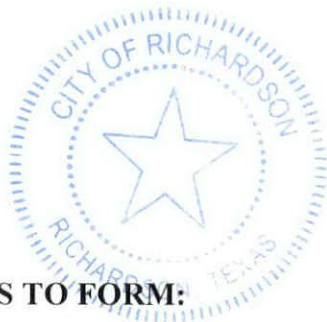
SECTION 5. That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6. That an offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Richardson, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 8. That this Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

DULY PASSED by the City Council of the City of Richardson, Texas, on the 13th day of November, 2017.



APPROVED AS TO FORM:

Peter, H. Smith

CITY ATTORNEY
(PGS:10-31-17:19.92826)

APPROVED:

[Handwritten Signature]

MAYOR

CORRECTLY ENROLLED:

Aimee Neme

CITY SECRETARY

EXHIBIT "A"
LEGAL DESCRIPTION
ZF 17-26

BEING all of Lot 2, Block 1, Alpha Village Addition, an addition to the City of Richardson, Texas according to the plat recorded in Volume 87237, Page 5228, Deed Records, Dallas County, Texas.

Applicant statement for special use permit:

The change is to delete special condition #1 listing Destination Pet as owner and to put in place the name: The Velvet Snout, LLC

The use will remain exactly as it is currently:

A dog daycare, along with grooming, overnight boarding and training of dogs. The 4,000 sf facility provides three indoor playrooms with rubber flooring. All playrooms are equipped with a web cam to allow clients to view their pets any time. A minimum of 1 staff person/10-12 dogs is provided, with a minimum of 2 staff on duty at any one time. Overnight boarding is provided with dogs being housed inside custom suites while boarding. The outdoor fenced area is approximately 40' x 20' in size, enclosed by a white vinyl privacy fencing. The outdoor area contains a small shade port much like a home carport, but smaller in size. Synthetic grass that is easily cleaned/disinfected covers the play yard.



Notice of Public Hearing

City Plan Commission - Richardson, Texas

An application has been received by the City of Richardson for a:

SPECIAL PERMIT

File No./Name: ZF 18-01 / Velvet Snout
Property Owner: Robert Resneder, Trustee, Bank of America
Applicant: Laura Couch, Velvet Snout
Location: 1230 E. Belt Line Road, south side of E. Belt Line Road between S. Glenville Drive and S. Plano Road (See map on reverse side)
Current Zoning: LR-M(2) Local Retail
Request: A request to amend an existing Special Permit (Ordinance 4237) for a Special Permit for a dog daycare, and boarding facility.

The City Plan Commission will consider this request at a public hearing on:

TUESDAY, MARCH 6, 2018
7:00 p.m.
City Council Chambers
Richardson City Hall, 411 W. Arapaho Road
Richardson, Texas

This notice has been sent to all owners of real property within 200 feet of the request; as such ownership appears on the last approved city tax roll.

Process for Public Input: A maximum of 15 minutes will be allocated to the applicant and to those in favor of the request for purposes of addressing the City Plan Commission. A maximum of 15 minutes will also be allocated to those in opposition to the request. Time required to respond to questions by the City Plan Commission is excluded from each 15 minute period.

Persons who are unable to attend, but would like their views to be made a part of the public record, may send signed, written comments, referencing the file number above, prior to the date of the hearing to: Dept. of Development Services, PO Box 830309, Richardson, TX 75083.

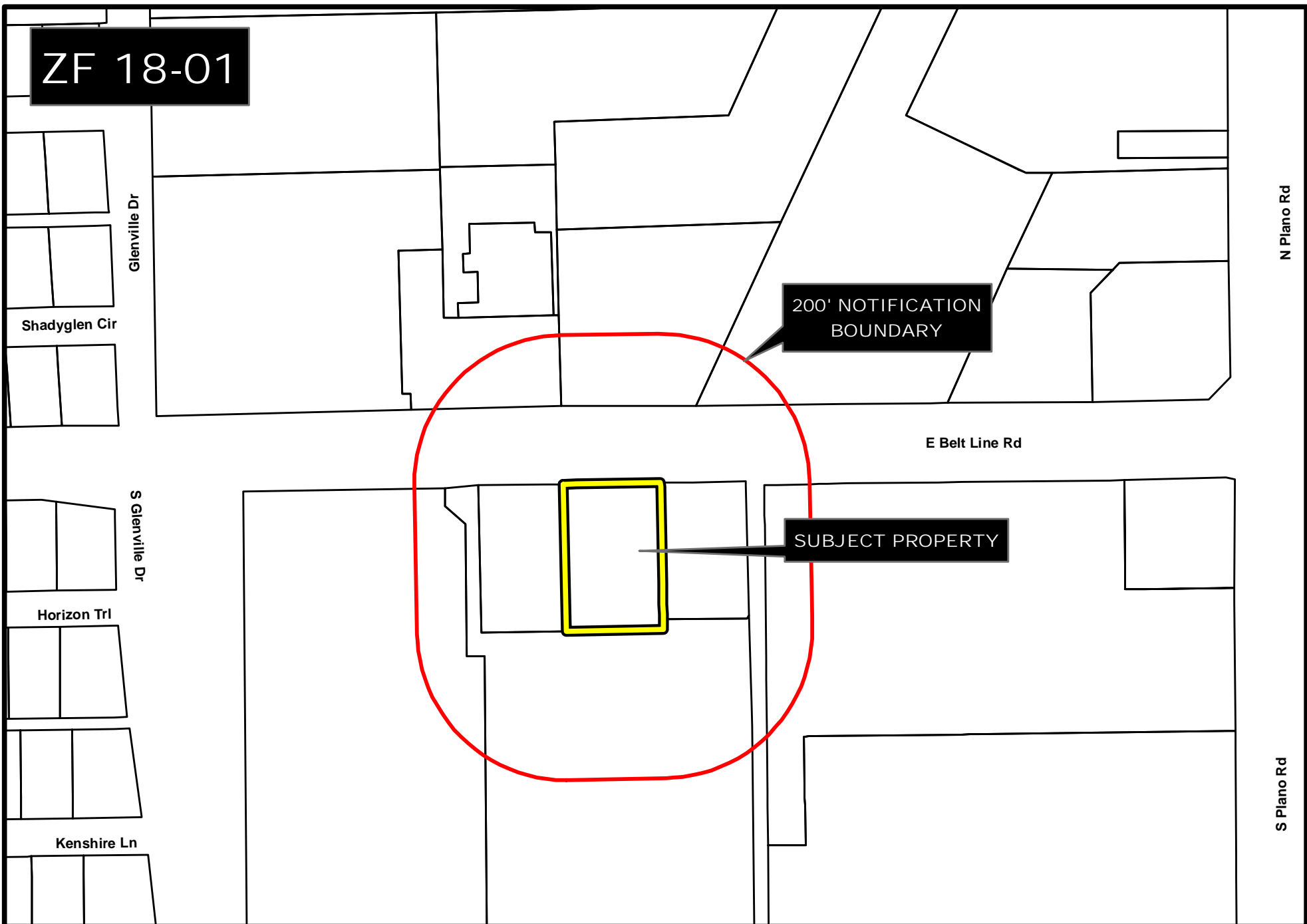
The City Plan Commission may recommend approval of the request as presented, recommend approval with additional conditions or recommend denial. Final approval of this application requires action by the City Council.

Agenda: The City Plan Commission agenda for this meeting will be posted on the City of Richardson website the Saturday before the public hearing. For a copy of the agenda, please go to: <http://www.cor.net/index.aspx?page=1331>.

For additional information, please contact the Dept. of Development Services at 972-744-4240 and reference Zoning File number ZF 18-01.

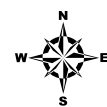
Date Posted and Mailed:02/23/2018

ZF 18-01



ZF 18-01 Notification Map

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MNK KNK NORTH TEXAS LLC
1508 COTTONWOOD VALLEY CIR N
IRVING, TX 750385930

DUANE TEXAS PROPERTIES LLC
4001 N JOSEY LN STE 200
CARROLLTON, TX 750071534

TWIN RIVERS RES LLC
%MIKE THOMPSON
201 S GLENVILLE DR APT 350
RICHARDSON, TX 750814545

NATIONSBANK OF TX NA
%HOWARD A COMPTON JR
901 MAIN ST FL 20
DALLAS, TX 752023738

SP & DAUGHTERS CINEMA LLC
6850 TPC DR STE 108
MCKINNEY, TX 75070

CHEUNG KAM FAAT &
OI MUI CHEUNG
3505 HILLROSE DR
RICHARDSON, TX 750822428

NCNB TEXAS
TRUST REAL EST 6 ODC
PO BOX 831500
DALLAS, TX 752831500

EBLR LLC
700 FRONT ST UNIT 2302
SAN DIEGO, CA 921016013

EBLR LLC
700 FRONT ST UNIT 2302
SAN DIEGO, CA 921016013

EBLR LLC
700 FRONT ST UNIT 2302
SAN DIEGO, CA 921016013



MEMO

DATE: March 22, 2018
TO: Honorable Mayor and City Council
FROM: Michael Spicer, Director of Development Services MS
SUBJECT: Zoning File 18-07: Town of Buckingham Zoning Ordinance, Text Amendments

REQUEST

This is a City-initiated process to amend multiple sections of the text of the former Town of Buckingham Zoning Ordinance. *The proposed amendments would not change the current zoning classification on any property regulated by the former Town of Buckingham Zoning Ordinance.*

BACKGROUND

The former Town of Buckingham (TOB) was annexed into the City of Richardson in 1996. It comprises approximately 154 gross acres bounded by Centennial Boulevard along the north, Audelia Road to the east, Park Bend Drive to the south, and Abrams Road to the west.

The purpose of the proposed text amendments is to make the TOB Zoning Ordinance more consistent with the land use and development regulations established in the City of Richardson Comprehensive Zoning Ordinance and Subdivision and Development regulations (Chapter 21 of the Code of Ordinances). Generally the proposed amendments will:

- Require Special Permits for those uses currently allowed by right that elsewhere in Richardson are subject to approval of a Special Permit (e.g., hotels, motor vehicle-related uses, self-service storage, etc.).
- Add uses subject to approval of a Special Permit, as required elsewhere in Richardson, that are not presently addressed by the TOB Zoning Ordinance (e.g., large-scale retail store, smoking establishments)
- Delete development standards currently included in the TOB Zoning Ordinance that are addressed in the City of Richardson Subdivision and Development (Chapter 21 of the Code of Ordinances).
- Delete or replace obsolete terminology.
- Reformat as necessary and correct grammatical and typographical errors.
- Delete irrelevant definitions and revise those inconsistent with City of Richardson Comprehensive Zoning Ordinance definitions.
- Re-format and clarify parking requirements for uses in all zoning districts.
- Reference side and rear yard open space requirements established in Chapter 21 of the Code of Ordinances to be consistent with City of Richardson Subdivision and Development regulations.
- Eliminate single family residential uses from commercial and industrial zoning districts.
- Require Special Permits for multi-family housing in all five zoning districts so that City Council oversight may be exercised to better ensure compatibility with surrounding land uses.
- Delete current provisions regarding non-conforming uses and the ordinance amendment process to reference those established by the City of Richardson Comprehensive Zoning Ordinance.
- Declare all legal existing uses and development to be legal and valid subsequent to adoption of the proposed amendments. This provision would prevent the creation of numerous non-conforming uses and structures.

PLAN COMMISSION RECOMMENDATION

The City Plan Commission recommendation will be determined the evening of March 22, 2018.

ATTACHMENTS

CC Public Hearing Notice

(Draft) City Plan Commission Minutes 2018-03-22*

Staff Report

Zoning Map

Aerial Map

Town of Buckingham Ordinance (EDIT)*

Proposed Ordinance No. 4245*

** These attachments to be provided in an addendum following City Plan Commission action on 3-22-18*



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Ad Order #: 0001670301

Ad Number: 0001670301-01

Color: **Ad Size:** 1 X 114.00 Li

Ad Content

City of Richardson Public Hearing Notice

The Richardson City Council will conduct a public hearing at 7:00p.m. on Monday, March 26, 2018, in the Council Chambers, Richardson Civic Center/City Hall, 411 W. Arapaho Road, to consider the following requests.

ZF 17-28

A request for approval of a Special Permit for a Cosmetic Tattooing Establishment located at 304 S. Cottonwood Drive, between W. Belt Line Road and Stagecoach Drive, on the west side of S. Cottonwood Drive. The property is currently zoned O-M Office.

ZF 18-01

A request to amend an existing Special Permit for a special permit for a dog daycare and boarding facility located at 1230 E. Belt Line Road, between S. Glenville Drive and S. Plano Road, on the south side of E. Belt Line Road. The property is currently zoned L.R-M (2) Local Retail.

ZF 18-07

A request to consider amendments to the former Town of Buckingham's Zoning Ordinance by amending Article I - Title, Purpose, Definitions and General Provisions; Article III - General Requirements and Exceptions; Article IV - Unified Residential District Regulations; Article V - Retail District Regulations; Article VI - Office/Retail District Regulations; Article VII - Office/Commercial District Regulations; Article VIII - Light Industrial/Manufacturing District Regulations; Article IX - Special Use Permits; Establishing Article X - Off-Street Parking; Re-enumerating Article X - Non-Conforming Uses as Article XI to be consistent with Article XXII - Nonconforming Uses of the City of Richardson's Comprehensive Zoning Ordinance; Re-enumerating Article XI - Amendment as Article XII to be consistent with Article XXIX - Changes and Amendments of the City of Richardson's Comprehensive Zoning Ordinance, and by

APPROVED
By Aimee Nemer at 11:12 am, Mar 08, 2018



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 XV - Effective Date in
 their entirety.

If you wish your opinion
 to be part of the record
 but are unable to attend,
 send a written reply prior
 to the hearing date to
 City Council, City of
 Richardson, P.O. Box
 830309, Richardson, Texas
 75083.

The City of Richardson
 /s/ Aimee Nemer, City
 Secretary

CPN 7094 Pub. 3/9/2018

Run Dates		Product	Placement/Classification - Position		
Publish Date:	03/09/2018	Stop Date:	03/09/2018	Dallas Morning News	Legals Bids Notices - LN Legal Notices
Publish Date:	03/09/2018	Stop Date:	03/15/2018	DallasNews.com	Legals Bids Notices - LN Legal Notices



Staff Report

TO: Honorable Mayor and City Council
FROM: Michael Spicer, Director of Development Services
DATE: March 22, 2018
RE: **Zoning File 18-07:** Former Town of Buckingham Zoning Ordinance

REQUEST:

This is a City-initiated process to amend multiple sections of the text of the former Town of Buckingham Zoning Ordinance. *The proposed amendments would not change the current zoning classification on any property regulated by the former Town of Buckingham Zoning Ordinance.*

The purpose of the text amendments is to make the former Town of Buckingham Zoning Ordinance more consistent with the land use and development regulations established in the City of Richardson Comprehensive Zoning Ordinance and Subdivision and Development regulations (Chapter 21 of the Code of Ordinances).

The Richardson City Council 2017-2019 Statement of Goals and Strategies specifically identified, as a key tactic, the need to conduct a review and update of the former Town of Buckingham Zoning Ordinance.

TOWN OF BUCKINGHAM BACKGROUND:

The former Town of Buckingham comprises approximately 154 gross acres bounded by Centennial Boulevard along the north, Audelia Road to the east, Park Bend Drive to the south, and Abrams Road to the west. Key dates and events in the history of the former Town of Buckingham include the following:

1954	Incorporated as General Law city
1984	Majority of town purchased by Block-Shim Development Company
1985 - 90	Agreements approved to provide water, police & fire protection, wastewater, etc.
1996 (Jan)	Town of Buckingham residents vote in favor of annexation
1996 (Apr)	City of Richardson completes annexation, including ten (10) year deferment of zoning amendments

EXISTING TOWN OF BUCKINGHAM ZONING OVERVIEW:

Key provisions found in the former Town of Buckingham (TOB) Zoning Ordinance that merit consideration for amendment are summarized below:

LAND USE - GENERALLY:

The TOB Zoning Ordinance is a cumulative zoning ordinance, which means that all uses allowed in its most restrictive zoning district (i.e., residential) are also allowed in all successively less restrictive or more intensive zoning districts (i.e., commercial and industrial districts).

The TOB Zoning Ordinance establishes five (5) zoning districts. Uses allowed in each district are summarized below to demonstrate the cumulative structure of the ordinance (all uses are allowed by right; no Special Permits are required):

1. UR- Unified Residential allows single family, duplex, townhouses, multifamily and childcare;
2. R- Retail allows all UR uses PLUS typical retail & restaurant uses (incl. drive-thru), office, banks, bowling alleys, gas stations, hotels & motels, funeral homes, self-storage warehouses, plant nurseries, alcohol sales;
3. OR-Office/Retail allows all R uses and UR uses PLUS mortgage companies and other financial services;
4. OC-Office/Commercial allows all OR uses, R uses and UR uses PLUS bus terminals, hospitals, and ambulance dispatch;
5. LIM- Light Industrial/Manufacturing allows all OC uses, OR uses, R uses, and UR uses PLUS motor vehicles sales (new & used), car wash, manufacturing, research, wholesale, and a variety of industrial uses.

LAND USE - SPECIAL PERMITS:

Although the TOB Zoning Ordinance does require approval of Specific Use Permits (tantamount to Special Permits) for certain uses, it also allows by right, several uses that are subject to Special Permit approval elsewhere in the city, including:

- Hotels & motels
- Motor vehicle uses (i.e., sales/leasing, service stations, car wash)
- Restaurants w/ drive-thru & curbside service
- Childcare centers
- Self-service warehouse

The TOB Zoning Ordinance also does not address several other uses that are subject to Special Permit approval elsewhere in the city, including:

- Check cashing business
- E-cigarette establishments
- Large scale retail stores
- Massage establishments
- Smoking establishments
- Temporary open air markets

DEFINITIONS:

The TOB Zoning Ordinance presently includes definitions for uses that are not listed as allowed uses in any of the five zoning districts, including:

- Boarding house;
- Used car sales area;
- Rooming or lodging house;
- Wrecker service; and
- Motor vehicle repair and body shops.

The TOB Zoning Ordinance presently includes definitions for uses found in in the City of Richardson Comprehensive Zoning Ordinance that are not consistent, including those for hotels, motor vehicle-related uses and restaurant uses.

PARKING:

Each of the five TOB zoning districts includes a section establishing “Parking Regulations” for each respective district. Due to the cumulative character of the zoning districts and the text and format of the separate “Parking Regulations” sections, strict application of the parking requirements may result in inconsistencies from one district to another for the same use.

For example, an apartment building in the UR district is required one (1) parking space for each 500 square feet of gross floor area up to a maximum of two (2) parking spaces per dwelling unit. The same apartment building located in the R district would be required to provide one (1) parking space for each 333 square feet of gross floor area. Consequently, strict application of the parking requirements would require an apartment building of 12 units totaling 9,000 square feet in area to have 18 parking spaces if it is located in the UR district, but 27 spaces should it be located in the R district. Similar inconsistencies in parking requirements may also be created for a variety of other uses across the different zoning districts.

DEVELOPMENT STANDARDS:

The TOB Zoning Ordinance presently includes a section (i.e., Article III) entitled “General Requirements” that includes provisions regarding visibility clearance, fire lane and hydrant specifications, paving standards, and refuse collection provisions that are not consistent with those established by ordinances and policies that apply throughout the rest of the city.

OTHER PROVISIONS:

The TOB Zoning Ordinance presently includes a variety of other provisions that address non-conforming uses, the site plan approval process, zoning amendments and application requirements as well as standard boilerplate provisions (e.g., severability clause) that are not consistent with those established in the City of Richardson Comprehensive Zoning Ordinance.

PROPOSED AMENDMENTS:

GENERALLY:

Proposed amendments to the former Town of Buckingham Zoning Ordinance are designed to accomplish the following objectives:

- Require Special Permits for those uses currently allowed by right that elsewhere are subject to approval of a Special Permit in order to make oversight of these uses generally consistent throughout the City of Richardson (e.g., hotels, motor vehicle-related uses, etc.).

- Include uses that require approval of a Special Permit elsewhere in the city that are not presently addressed by the TOB Zoning Ordinance in order to make oversight of these uses generally consistent throughout the City of Richardson (e.g., large-scale retail store, smoking establishments, etc.)
- Delete development standards currently included in the former Town of Buckingham Zoning Ordinance, including those related to visibility, screening walls, fire lanes and hydrants, paving, and refuse containers, and instead, reference the development standards found in the City of Richardson Subdivision and Development regulations established in Chapter 21 of the Code of Ordinances.
- Delete or replace obsolete terminology.
- Reformat as necessary and correct grammatical and typographical errors.
- Delete irrelevant definitions and revise those inconsistent with City of Richardson Comprehensive Zoning Ordinance definitions.
- Re-format and clarify parking requirements for uses in all zoning districts.
- Reference side and rear yard open space requirements established in Chapter 21 of the Code of Ordinances that apply where non-residential uses are adjacent to residential uses to be consistent with City of Richardson Subdivision and Development regulations.

Additionally:

- Eliminate single family detached and single family attached residential uses from commercial and industrial zoning districts.
- Require Special Permits for multi-family housing in all zoning districts so that City Council oversight may be exercised to better ensure compatibility with surrounding land uses.
- Delete current provisions regarding non-conforming uses and the ordinance amendment process to reference those established by the City of Richardson Comprehensive Zoning Ordinance and which are applicable throughout the rest of the city.
- Declare all legal existing uses and development to be legal and valid subsequent to adoption of the proposed amendments. This provision would avert the creation of numerous non-conforming uses and structures.

MOTION & COUNCIL HEARING DATE:

Motion: The City Plan Commission (CPC) will be making a recommendation to the City Council regarding the proposed text amendments. The Commission may approve the proposed amendments as presented; add, delete or edit the proposed amendments as it deems appropriate; or recommend denial of the proposed amendments altogether.

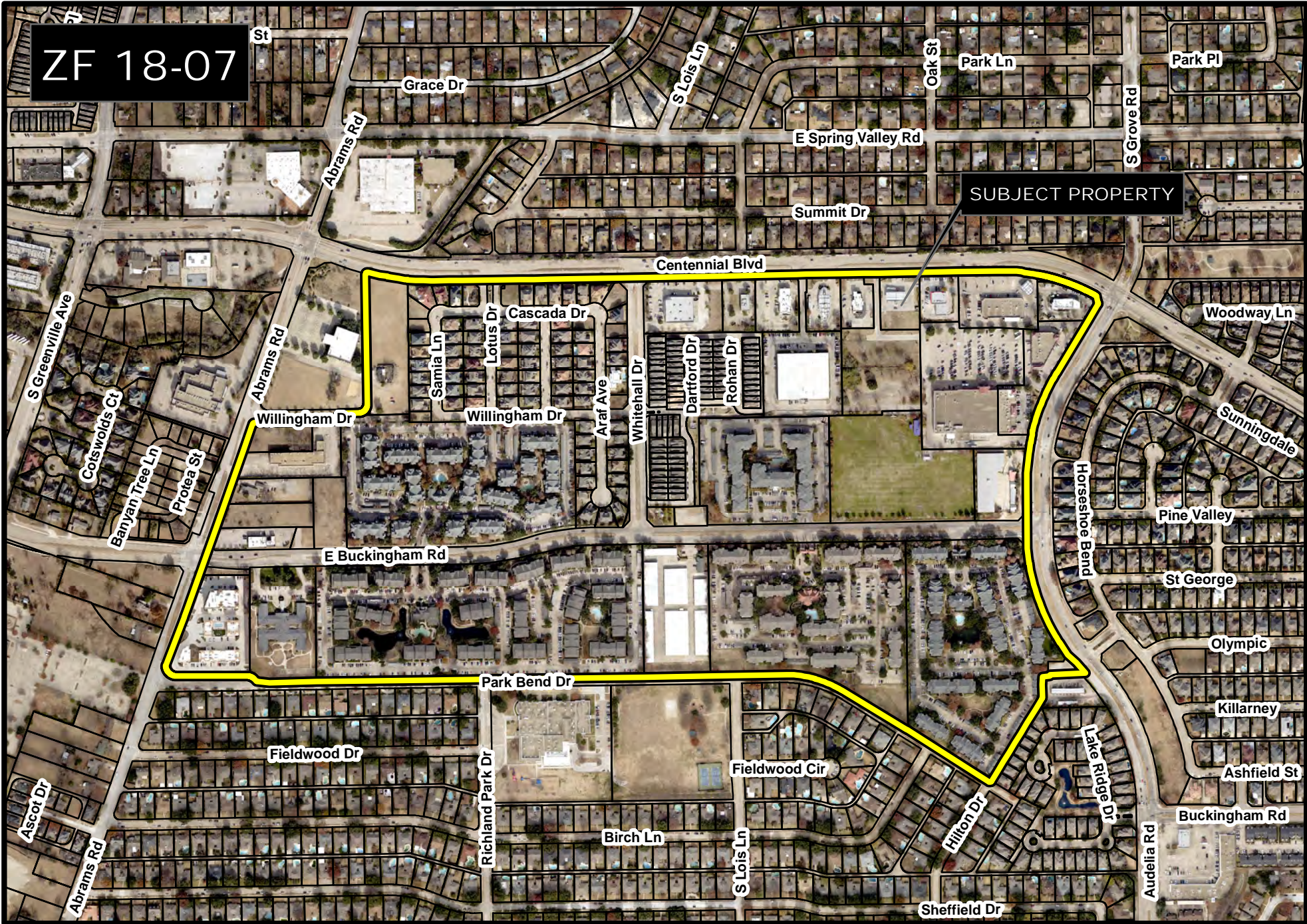
Should the CPC accept the proposed amendments as presented, the following motion may be used:

- Motion to approve the proposed text amendments to the former Town of Buckingham Zoning Ordinance as presented.

Should the CPC decide to add, delete or edit the proposed amendments, the following motion may be adapted to that purpose:

- Motion to approve the proposed text amendments to the former Town of Buckingham Zoning Ordinance subject to the following changes:
 - State recommended additions, deletions or edits.

Council Hearing Date: City Council is scheduled to consider the proposed amendments to the former Town of Buckingham Zoning Ordinance on March 26, 2018.



ZF 18-07 Aerial Map
Former Town of Buckingham

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.





MEMO

DATE: March 23, 2018
TO: Honorable Mayor and City Council
FROM: Michael Spicer, Director of Development Services MS
SUBJECT: Zoning File 18-07: Town of Buckingham Zoning Ordinance, Text Amendments

REQUEST

This is a City-initiated process to amend multiple sections of the text of the former Town of Buckingham Zoning Ordinance. *The proposed amendments would not change the current zoning classification on any property regulated by the former Town of Buckingham Zoning Ordinance.*

BACKGROUND

The former Town of Buckingham (TOB) was annexed into the City of Richardson in 1996. It comprises approximately 154 gross acres bounded by Centennial Boulevard along the north, Audelia Road to the east, Park Bend Drive to the south, and Abrams Road to the west.

The purpose of the proposed text amendments is to make the TOB Zoning Ordinance more consistent with the land use and development regulations established in the City of Richardson Comprehensive Zoning Ordinance and Subdivision and Development regulations (Chapter 21 of the Code of Ordinances). Generally the proposed amendments will:

- Require Special Permits for those uses currently allowed by right that elsewhere in Richardson are subject to approval of a Special Permit (e.g., hotels, motor vehicle-related uses, self-service storage, etc.).
- Add uses subject to approval of a Special Permit, as required elsewhere in Richardson, that are not presently addressed by the TOB Zoning Ordinance (e.g., large-scale retail store, smoking establishments)
- Delete development standards currently included in the TOB Zoning Ordinance that are addressed in the City of Richardson Subdivision and Development (Chapter 21 of the Code of Ordinances).
- Delete or replace obsolete terminology.
- Reformat as necessary and correct grammatical and typographical errors.
- Delete irrelevant definitions and revise those inconsistent with City of Richardson Comprehensive Zoning Ordinance definitions.
- Re-format and clarify parking requirements for uses in all zoning districts.
- Reference side and rear yard open space requirements established in Chapter 21 of the Code of Ordinances to be consistent with City of Richardson Subdivision and Development regulations.
- Eliminate single family residential uses from commercial and industrial zoning districts.
- Require Special Permits for multi-family housing in all five zoning districts so that City Council oversight may be exercised to better ensure compatibility with surrounding land uses.
- Delete current provisions regarding non-conforming uses and the ordinance amendment process to reference those established by the City of Richardson Comprehensive Zoning Ordinance.
- Declare all legal existing uses and development to be legal and valid subsequent to adoption of the proposed amendments. This provision would prevent the creation of numerous non-conforming uses and structures.

PLAN COMMISSION RECOMMENDATION

The City Plan Commission, on a 5-0 vote, recommends approval of the proposed amendments as presented.

ATTACHMENTS

(Draft) City Plan Commission Minutes 2018-03-22
Town of Buckingham Ordinance (EDIT)
Proposed Ordinance No. 4245

EXCERPT
CITY OF RICHARDSON
CITY PLAN COMMISSION MINUTES –March 22, 2018

PUBLIC HEARING

Zoning File 18-07 – Zoning Ordinance – Former Town of Buckingham: Consider and take the necessary action on a request to consider amendments to Articles I through XV of the former Town of Buckingham’s Zoning Ordinance.

Mr. Spicer advised zoning file 18-07 is a city initiated process to amend multiple sections of the text of the former Town of Buckingham zoning ordinance. It is also a key tactic that City Council identified as a component of their 2017-2019 Statement of Goals, Strategies and Tactics.

The proposed text amendments are designed to improve consistency with the City Of Richardson’s Comprehensive Zoning Ordinance (CZO) and Chapter 21 Subdivision and Development standards in the Code of Ordinances. They would also address outdated terminology, conflicting or unclear references, definitions, grammatical and typographical errors.

There would be no change to any zoning classification on any property regulated by the former Town of Buckingham zoning ordinance and no non-conforming uses or structures would result from the proposed text amendments.

Mr. Spicer described how the Buckingham zoning ordinance is a cumulative zoning ordinance where uses allowed in the most restrictive districts are allowed in lesser restrictive districts.

Mr. Spicer stated that uses defined in the former Town of Buckingham ordinance would match uses in the City of Richardson CZO. Additionally, those uses that require special permits in the Richardson CZO would also require special permits under the amended Buckingham ordinance.

Vice Chairman DePuy asked if Richardson’s regulations related to code enforcement applied to the former Town of Buckingham also.

Mr. Spicer stated yes.

With no further question, Vice Chairman DePuy opened the public hearing.

No further questions were asked of staff and no further comments, in favor or opposed, were received, therefore, Vice Chairman DePuy closed the public hearing.

Motion: Commissioner Maxwell made a motion to approve Zoning File 18-07 as presented; second by Commissioner Southard. Motion approved 5-0.

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ZONING DISTRICT MAP

(Insert Latest Map Here)

ARTICLE I

TITLE, PURPOSE, DEFINITIONS AND GENERAL PROVISIONS

SECTION 1 TITLE

This ordinance shall be known as and may be cited and referred to as the **Buckingham Area Zoning Ordinance** ~~“Zoning Ordinance of the Town of Buckingham”~~.

SECTION 2 PURPOSE

The Zoning regulations and districts herein established have been made in accordance with a comprehensive zoning plan for the purpose of promoting the health, safety, morals, and general welfare ~~of the citizens of the Town~~. The ordinance has been designed to promote the orderly development and redevelopment ~~of the Town~~ by establishing and adopting standards to control and regulate construction of buildings and improvements ~~within the Town~~; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements ~~within the Town~~. The ordinance has been made with reasonable considerations, among other things, ~~of the character of the Town and~~ of the suitability of each district and zone for particular uses for which it is designated with a view toward conserving the value of buildings and land ~~within the Town~~ and encouraging the most appropriate use of land ~~throughout the community~~ for the benefit of the citizens and landowners.

SECTION 3 DEFINITIONS

General words used in the present tense include the future, and words in the singular number include the plural, words in the plural include the singular and the word "shall" is mandatory and not directory. The following words shall, for the purpose of this ordinance, have the meaning here applied:

ABUTTING OR ADJACENT means having property lines which are in common for a minimum distance of twenty-four (24) feet or district lines which are in common.

ACCESSORY BUILDING means a building subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building.

~~**ACT** means the Federal Water Pollution Control Act, Public Law 92-500, known as the Clean Water Act (CWA), as amended, 33 U.S. 1251, et seq.~~

ALLEY means a public right-of-way or thoroughfare which is no less than ~~eighteen feet~~ **Eighteen Feet** (18') wide and affords only a secondary means of access to abutting property.

~~**ALTER** means to change the size, shape or outline, copy, nature of message, intent or type of an entity including signs and buildings.~~

APARTMENT means a ~~household unit in an apartment house, designed, used or suitable for occupancy by one or more persons~~ multifamily structure containing three or more dwelling units located on a single lot designed to be occupied by three or more families living independently of one another, excluding hotels or motels.

APARTMENT HOUSE means a building or portion thereof, designed or arranged for occupancy as a residence of two or more families living independently of each other.

APPROVED PARKING SURFACE means an impervious surface as specified in applicable codes.

BASEMENT means a story partly underground having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story if subdivided and used for dwelling or business purposes.

~~BOARDING HOUSE means a building other than a hotel where lodging and meals are served for compensation.~~

BUCKINGHAM AREA means the former Town of Buckingham, which was a Texas Municipal Corporation, and was subsequently annexed by the City of Richardson, Texas, which is a Texas Municipal Corporation, on April 8, 1996 in accordance with Ordinance No. 3064-A.

BUILDING means any structure built for support, shelter, or enclosure of persons, animals, chattels, records or other movable property, and when separated in a manner sufficient to prevent fire, each portion of such building shall be deemed a separate building.

BUILDING LINE means a line which is parallel to the lot lines and marks the minimum distance a building may be erected from a lot line, determined by the minimum yard requirements for a lot.

BUILDING OFFICIAL means the officer(s) or other designated authority, or a duly authorized representative, charged with the administration and enforcement of the Codes, as defined herein.

~~BUILDING SEWER means the extension from the building drain to the sewer lateral at the property line or other lawful place of disposal (also called house lateral or house connection).~~

BUSINESS AND PROFESSIONAL OFFICES means professional and administrative offices where services are provided only and no chattels or goods are offered for sale on the premises, including, but not limited to, doctors, dentists, attorneys, architects, engineers, insurance agents, real estate agents and similar offices.

CANOPY means a roof like structure which extends horizontally more than one (1) foot from the face of a building wall and does not have a structural border.

CELLAR means a story having more than one-half of its height below the average level of the adjoining ground. A cellar shall not be counted as a story for the purpose of height measurement.

CHECK CASHING BUSINESS means an establishment that provides to the customer an amount of money that is equal to the face of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction, and where there is an agreement not to cash the check or execute an electronic transfer of money for

a specified period of time, the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose for compensation by any person or entity other than a retail seller engaged primarily in the business of selling consumer goods, including consumables to retail buyers, that cashes checks or money orders or issues money orders or money transfers for a minimum flat fee as a service that is incidental to its main purpose or business, provided such retailer does not cash more than 100 checks in any calendar month. This definition excludes a state or federally chartered bank, savings and loan association or credit union, pawnshop or grocery store.

CHURCH means any structure used principally for regular assemble for religious worship and those accessory uses or activities which are customarily associated therewith.

CLINIC means a group of offices for one or more physicians, surgeons or dentists engaged in treating the sick or injured, but not including rooms for patients.

CODES mean the International Building, (page 8), Fire, Plumbing, Mechanical, Fuel Gas, Energy Conservation Codes and National Electrical Codes, codes, and amendments that have been adopted by the City of Richardson ~~Town of Buckingham~~, Texas under separate ordinance.

~~COMPOSITE SAMPLE means a mixture of grab samples collected at the same sampling point at different times.~~

COPY means logos, characters, symbols or any other portion of a sign which conveys a message or information.

~~CUSTOMARY HOME OCCUPATION means an occupation customarily carried on in the home by a member of the occupant's family without making structural alterations to the building or any of its rooms, without the installation of machinery other than that customary to normal household operation, without the employment of additional persons, without the use of a sign to advertise the occupation, and which does not cause the generation of additional traffic in the street, and does not include beauty culture schools, beauty parlors, doctors, dentist, or other similar offices for the treatment of patients.~~

COURT means an open unoccupied space other than a yard, on the same lot with a building, and which is bounded on two or more sides by the building.

DAY NURSERY means a place where children are left for care between the hours of 6:00 A.M. and 12:00 midnight on a regular or routine basis for compensation.

~~DIRECTOR means the Director of Public Services of the Town of Buckingham or an authorized deputy, agent or representative.~~

~~DISCHARGE means to deposit, conduct, drain, emit, throw, run, allow to seep or otherwise release or dispose of , or allow, permit or suffer any of these acts or omissions.~~

DISTRICT means a section of the geographical area of the Buckingham Area, as herein

definedTown for which the regulations governing use of land are uniform.

DRIVE-IN SERVICE means an establishment where food, frozen dessert and/or beverage is delivered to a consumer who is outside the building, said delivery to be accomplished by handing or passing the food, frozen dessert and/or beverage through a window or other opening in the building.

DRIVE-UP FOOD SERVICE OR CURB SERVICE means an establishment where food, frozen dessert and/or beverage is delivered to a consumer who is outside the building, by waiter, waitress or carhop, who is also outside the building, with the intent of said food to be consumed on or off the premises.

DUPLEX means a free-standing building on one lot having separate accommodations for and occupied by not more than two families, one family in each living unit.

DWELLING UNIT means a building or portion of a building which is arranged, occupied or intended to be occupied as living quarters by one family.

ELECTRONIC-CIGARETTE means a battery power product that uses an atomizer or similar device that allow users to inhale nicotine vapor or other vapor without fire, smoke, ash or carbon monoxide.

ELECTRONIC-CIGARETTE ESTABLISHMENT means a business establishment that is dedicated primarily to the sale and/or on premise use of electronic-cigarettes.

END OF BUILDING (APARTMENT) means the narrowest side of a building containing no doors or openings for access. If the narrower side of an apartment building contains doors or openings for access, it shall be subject to the same yard and space requirements as for the sides of a building other than the end.

ERECT means to build, construct, attach, hang, place, suspend or affix, and when used with signs it shall also include the painting of signs on the exterior surface of a building or structure, and shall also include the painting, or affixing of signs to the exterior or interior surface of windows and shall include signs located interior to a building but readily visible from the exterior.

FACING OR SURFACE means the surface or surfaces of a building or sign when used as a sign upon, against, or through which a message is displayed or illustrated on a sign.

FAMILY means one or more persons related by blood, adoption or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons, but not exceeding two (2) living and cooking together as a single housekeeping unit, though not related by blood, adoption or marriage, shall be deemed to constitute a family.

FLOOR AREA RATIO means the ratio of the gross floor area of a building or buildings in relation to the gross land area of the site. The floor area ratio (FAR) shall be expressed as the gross floor

area, being the first integer, followed by the gross land area, expressed as a constant of one (1), being the second integer.

FREEWAY means a major thoroughfare where right-of-way is two hundred and fifty (250) feet or greater.

GARAGE, ATTACHED, means a garage which has one or more walls common with the principal building on a lot or which is attached to the principal building by an enclosed porch, loggia or passage way, the roof of which is a part or an extension of the roof of the principal building and for the purpose of the height and area regulations of this ordinance, such a garage is to be considered a part of the principal building.

GARAGE, DETACHED, means a garage existing separate and apart from the principalmain building, but situated on the same lot, tract or parcel of land with the principalmain building.

GROSS FLOOR AREA means the total area of a building measured from the exterior surface of all exterior walls, including basements, elevator shafts or stairwells at each floor, interior balconies or mezzanine, and floor space in accessory buildings. Off-street parking structures are expressly excluded for this category.

GROSS LAND AREA means the total land area of a lot, tract, or parcel inclusive of street or alley right-of-way; that are internal to the site, and one-half of adjacent street or alley rights-of-way, provided said adjacent street is not indicated on the Master TransportationThoroughfare Plan of the City of RichardsonTown of Buckingham. No portion of any street required by the master transportationthoroughfare plan shall be counted as gross land area for purposes of determining maximum floor area or minimum landscaping requirements.

HEIGHT means the distance of a building or portion thereof, measured from the mean level of the ground surrounding the building to the highest point of the roof's surface if a flat surface, to the deck line of mansard roofs, or to the mean height level between eaves and ridge for hip and gable roofs. In measuring the height of a building, parapet walls not exceeding four feet in height, chimneys, cooling towers, ornamental cupolas, domes or spires shall be excluded.

CUSTOMARYHOME OCCUPATION means an occupation that is incidental and secondary to the primary use of the premises as a residence and customarily carried on in a residential unit by a member of the occupant's family without making structural alterations to the building or any of its rooms, without the installation of machinery other than that customary to normal household operation, without the employment of additional persons, without the use of a sign to advertise the occupation, and which does not cause the generation of additional traffic in the street, and does not include beauty culture schools, beauty parlors, doctors, dentist, or other similar offices for the treatment of patients.

HOSPITAL means an institution or place licensed by the State of Texas where sick or injured in-patients are given medical or surgical care, either at public (charity) or private expense.

~~HOTEL OR MOTEL means a building or arrangement of buildings designed and occupied as a~~

~~temporary abiding place of individuals who are lodged with or without meals, in which the rooms are usually occupied singly for hire, in which there are no provisions for cooking in individual rooms and in which there are more than 12 sleeping rooms.~~

HOTEL means a building or group of buildings offering overnight or temporary lodging accommodations or guest rooms on a daily rate to the general public and may provide additional services such as food service, meeting rooms and recreational facilities. A hotel may be a full-service hotel, limited-service hotel, or suite hotel.

HOTEL, FULL-SERVICE means a hotel offering sleeping accommodations along with full food and beverage service for three meals per day, meeting space of at least 2,000 square feet and other guest amenities. Up to 50 percent (50%) of the rooms in a full-service hotel may be suites, each with a parlor and a sleeping room, separated by a floor to ceiling partition.

HOTEL, LIMITED-SERVICE means a hotel offering sleeping accommodations with food and beverage service for fewer than three meals per day and providing less than 2,000 square feet of meeting area. Suite hotels as defined herein are specifically excluded from this definition.

HOTEL, SUITE means a hotel offering guest rooms, each with a parlor area and sleeping room separated by a floor to ceiling partition. Suite hotels may offer either full or limited-service, but are distinguishable by the separation of the sleeping and sitting areas.

KINDERGARTEN means a school for children of pre-public school age in which constructive endeavors, lessons and helpful games are prominent features of curriculum.

INCIDENTAL RETAIL OR SERVICE ACTIVITIES mean activities of a retail nature intended to provide support and personal services to the tenants of a building, including, but not limited to, personal care services such as barber and beauty shops, laundry pickup stations, printing and copy shops, office supply and stationary shops, travel agencies, secretarial services, candy/cigar/tobacco shops, florists, optical good sales, photographic supply sales, film developing and printing, and professional pharmacies.

LARGE SCALE RETAIL STORE means a building or portion of a building with a gross floor area of seventy thousand (70,000) square feet or more the principal use of which is the operation of a single business engaged in the retail sale of goods or merchandise to the general public, but which may also include within such building or portion of building the operation of one or more accessory uses.

In addition to retail stores, this definition specifically includes, but is not limited to, businesses commonly known as membership warehouse clubs, wholesale membership clubs, outlet stores, discount or close-out clubs, grocery stores, and department stores.

LAUNDRY PICKUP STATION means a location for receiving and delivery of articles to be cleaned, dyed and laundered, no actual work to be done on the premises.

LOT means the parcel of land on which a principal building and its accessories are placed, together with its required open spaces.

MASSAGE ESTABLISHMENT shall have the same meaning provided to that phrase as set forth in Texas Occupations Code §455.001(5), as amended, and shall include, but not be limited to, establishments known variously as massage parlors, foot spas, reflexology establishments, and salon suites, offering massage, massage therapy or other massage services.

MASSAGE SERVICES, OTHER shall have the same meaning given to that phrase as set forth in Texas Occupations Code §455.001(11), as amended.”

MASSAGE THERAPY shall have the same meaning given to that phrase as set forth in Texas Occupations Code §455.001(8), as amended.”

MOTOR VEHICLE means any vehicle propelled by mechanical power, such as a car, van, pick-up or truck, recreational vehicle, motorcycle or boat. This definition shall include campers and recreational trailers ~~that~~which are not self-propelled but shall exclude construction equipment, forklifts and farm implements.

~~MOTOR VEHICLE BODY SHOP means any lot, parcel or tract, including buildings located thereon, in which the structural elements of a motor vehicle body, chassis, or surface adornment are serviced, repaired or replaced. Activities which fall within this definition include, body, frame, fender straightening, customizing, collision repair and wrecker service.~~

~~MOTOR VEHICLE REPAIR SHOP means any lot, parcel or tract, including buildings located thereon, in which the mechanical and electrical elements of a motor vehicle are serviced, repaired or replaced.~~

~~MOTOR VEHICLE SALES, LEASING AND SERVICE CENTER means a lot, tract or parcel of land which is designed and arranged in such a manner as to promote the display of vehicles for sale or lease, and to provide facilities on the site for the repair and servicing of motor vehicles both incidental and pursuant to the sale.~~

MOTOR VEHICLE SALES/LEASING, NEW means the sale and/or leasing of new motor vehicles including, as accessory uses on the same lot or tract, the sale of used motor vehicles and the repair, serving and storage of motor vehicles.

MOTOR VEHICLE SALES/LEASING, USED means the sale and/or leasing of used motor vehicles.

MOTOR VEHICLE SERVICE STATION means a building or premises, or any portion thereof, for the retail dispensing and sale of motor vehicle fuels, lubricants and automobile accessories including minor motor vehicle repair. This term shall also include convenience stores which sell

~~motor vehicle fuels, where fuels, lubricants and automobile accessories are sold at retail and where minor repair activities are conducted.~~

MOTOR VEHICLE STORAGE LOT means an approved parking surface used solely for the storage of motor vehicles in transit to a ~~motor vehicle sales and service center~~ motor vehicle sales/leasing, new or motor vehicle sales/leasing, used business or motor vehicle repair shop.

~~MULTIPLE FAMILY DWELLING means any building, all or a portion of which is intended to be occupied, or is occupied, as 2 or more dwelling units; but not including townhouses containing 2 dwelling units which are served by separate utility connections and meters.~~

NON-COMBUSTIBLE MATERIAL means any material that meets the non-combustibility tests or requirements of the Richardson Building Code and the Fire Code which will not ignite at or below a temperature of twelve hundred (1,200) degrees Fahrenheit and will not continue to burn or glow at that temperature or shall have a flame spread of twenty-five (25) or less.

OCCUPANCY means and is the purpose for which, a building or land is used or intended to be used. ~~Change of occupancy is not intended to include change of tenants or proprietors.~~

~~OVERLOAD means the imposition of organic or hydraulic loading on a treatment facility in excess of its engineered or design capacity.~~

PARKING SPACE means an area not on a public street or alley, surfaced with an all-weather surface; enclosed or unenclosed; and connected to a street or alley by an all-weather surface driveway.

Standard Parking Space - not less than one hundred sixty-two (162) square feet - measuring approximately nine feet by eighteen feet (9'X18').

Compact Car Parking Space - not less than one hundred twenty-eight (128) square feet measuring approximately eight feet by sixteen feet (8'x16').

Bus Parking Space - not less than six hundred (600) square feet measuring approximately ten feet by sixty feet (10'X 60').

PARKING LOT OR GARAGE ~~commercial off-street~~ (COMMERCIAL OFF-STREET), means an approved parking surface, building or structure, other than an accessory parking lot as described herein, where motor vehicles may be stored for the purpose of temporary, daily or overnight off-street parking for a fee, charge or permit.

PARKING LOT, ~~accessory~~ (ACCESSORY), ~~means is~~ an approved parking surface, a building or a structure, where motor vehicles may be stored for the purpose of temporary, daily or overnight off-street parking. An accessory parking lot supports the principal activity on the tract, lot or parcel of land.

PERSON means any individual, partnership, firm, association, corporation, company, organization or any other legal entity, or legal representatives, agents or assigns.

PRIVATE STREET or ALLEYROAD means a private vehicular access shared by and serving two or more lots, which is not dedicated to the public as a street or alley and is not publicly maintained, as area not less than twenty four (24) feet wide which is reserved but not dedicated for purposes of access to abutting property in a plat, deed or easement which has been recorded in the Dallas County Plat or Deed Records.

~~**PROJECT** means a development or proposed development of one or more structures on a lot.~~

PROJECTING STRUCTURES means covered structures of a permanent nature which are constructed of approved building material, specifically excluding canvas or fabric material, and where such structures are an integral part of the main building or permanently attached to a main building and do not extend over public property. Projecting structure is defined to include marquee, canopy and fixed awning type of structures.

PUBLIC BUILDING means a building, structure or facility owned, leased, controlled, occupied, managed, primarily used and/or primarily occupied by the United States Government, the State of Texas, the city, an independent school district or political subdivision or agency of the State of Texas.

~~**RATIONAL METHOD** means the method of computing storm water runoff for drainage areas of less than one hundred fifty (150) acres based on the principal that the maximum rate of runoff from a given drainage area for an assumed rainfall intensity occurs when all parts of the area are contributing to the flow at the point of discharge.~~

REFUSE CONTAINER means a trash and garbage receptacle with a minimum of three (3) cubic yard capacity.

~~**REPAIR** means the reconstruction, or renewal of any part of an existing building for the purpose of its maintenance. The work “repairs” shall not apply to structural alterations.~~

RESTAURANT means an establishment engaged primarily in the preparation and sale of food and beverages to the public for on-site consumption, including outdoor dining areas. Take-out service is allowed as an incidental use; however, drive-through or curb service is subject to the approval of a special permit in accordance with this ordinance.

RESTAURANT WITH CURB SERVICE means an establishment where food and/or beverage is delivered to a consumer who is in a motor vehicle or otherwise outside the building by a waiter, waitress or carhop, who is also outside the building, with the intent of said food being consumed on or off the premises.

RESTAURANT WITH DRIVE-THROUGH SERVICE means an establishment where food and/or beverage is delivered to a consumer who is outside the building, said delivery to be accomplished by handing or passing the food and/or beverage through a window, or other opening in the building.

ROOF LINE means the height which is defined by the intersection of the roof of the building and the wall of the building. Exceptions: For mansard-type roofs, the roof line shall be defined as the top of the lower slope of the roof. Roofs with parapet walls completely around the building and not exceeding four (4) feet in height may be considered as the roof line.

~~ROOMING OR LODGING HOUSE means a building other than a hotel where lodging is provided for compensation. The term "lodging house" shall include the word "rooming house".~~

SCREENING WALL means a masonry wall which blocks from the view from the ground to the height specified and serves as a visual barrier.

SERVICE ACCESS DRIVE means a designated twenty-four (24) foot wide drive which provides access to refuse containers and loading areas from a street, private road or fire lane.

SHOPPING CENTER means an area under common ownership devoted to activity similar to the uses permitted in the Retail District regulations. ~~Installation of all utilities, drainage structures, street paving, parking areas, alleys and sidewalks shall be in accordance with the Town specifications for each type of improvement.~~

SEWER means a pipe or conduit for carrying sanitary sewage.

~~SIGHT BARRING FENCE means a structure which blocks the view from the ground to the height specified and serves as a visual barrier.~~

SIGHT VISIBILITY TRIANGLE means a space left open and unobstructed by fences, structures, shrubs, trees or other plant life along streets at the corner in front of the building line of lots contiguous to intersecting streets.

SMOKING ESTABLISHMENT means a business establishment that is dedicated, in whole or in part, to the smoking of tobacco or other substances and includes any establishment that allows both (1) the payment of consideration by a customer to the establishment in exchange for on-site delivery of tobacco, tobacco accessories or similar substances and products to the customer; and (2) the onsite smoking of tobacco or other substances. This definition shall be construed to include establishments known variously as retail tobacco stores, cigar lounges, hookah cafes, tobacco clubs, tobacco bars, and similar establishments, but shall not include an establishment that derives 50 percent or more of its gross revenue on a quarterly basis (i.e., three months) from the sale of alcoholic beverages for on-premise consumption.

~~STANDARD OFF STREET PARKING SPACE means a parking area, including access drives and/or maneuvering space for a vehicle, with all weather surfaced pavement designed to a wheel loading of a minimum of three thousand (3,000) pounds per wheel, and in accordance with the parking lot design of the Town of Buckingham.~~

~~STORMWATER means any flow resulting from any form of natural precipitation.~~

STORY means that portion of a building between the surface of any floor and the surface of the floor next above, or if there is no floor above, then the space between the ground floor and the ceiling next above.

STANDARD STORY means the space measured from the mean level of the ground surrounding the building to the highest point of the roof's surface, but in no event to exceed thirty (30) feet in height for one standard story or forty-five (45) feet in height for two standard stories. All stories in excess of one standard story shall not exceed an average of twenty (20) feet per story.

HALF STORY means the space under a sloping roof, which has the line of intersection of roof decking and wall space not more than three (3) feet above the top floor level. A hold-story containing an independent apartment or living quarters shall be counted as a full story.

STRUCTURE means anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a fixed location on the ground, and including gasoline pump-islands.

STRUCTURAL ALTERATIONS means any change in any supporting member of a building, such as a weight bearing wall, column, partition, beam or girder, or any change in the pitch or height of the roof.

STRUCTURAL TRIM means the molding, battens, cappings, nailing strips, latticing and platforms which are attached to the sign structure.

STUCCO means an exterior material of portland cement plaster, to be installed in strict conformance with the applicable requirements of the Codes as defined herein. ~~Buckingham Building Code.~~

TEMPORARY OPEN AIR MARKET means a temporary outdoor market place, on private property where individual vendors offer produce, food, or other products are distributed, offered for sale, or sold directly to consumers by the persons that have raised, grown, made, crafted, processed, or produced the products, approved foods such as fruits, eggs, vegetables, pasteurized dairy products and honey, and other allowed foods. Temporary open air market does not include a flea market or other gatherings or markets offering merchandise, personal effects, tools, or outdoor retail sale or promotion subject to Article IV of Chapter 12 of the Code of Ordinance of the City of Richardson.

~~TOWN is the former Town of Buckingham, which is was a Texas Municipal Corporation, and was subsequently annexed by the City of Richardson, Texas, which is a Texas Municipal Corporation, on April 8, 1996 in accordance with Ordinance No. 3064-A.~~

~~TRAP means a device designed to skim, settle, or otherwise remove oil, grease, sand, flammable wastes or other harmful substances.~~

USE, ~~accessory~~ (ACCESSORY), means a use customarily incident to the principal use.

USE, ~~Non-Conforming~~~~non conforming~~, means any building or land lawfully occupied by a use which does not conform with the use or regulations of the district in which it is situated.

~~USED CAR SALES AREA means an open area other than a street, alley or place used for the dismantling or wrecking of used automobiles or the storage, sale or dumping of dismantled or wrecked cars or their parts.~~

~~USED CAR JUNK AREA means an open area other than a street, alley or place used for the dismantling or wrecking of used automobiles or the storage, sale or dumping of dismantled or wrecked cars or their parts.~~

VEHICLE means any automobile, truck, camper, tractor, van, trailer, or any device capable of being transported and shall be considered a vehicle in both moving and stationary modes, irrespective of state or repair condition.

~~VISION CLEARANCE means a space left open and unobstructed by fences, structures, shrubs, trees or other plant life along streets at the corner in front of the building line of lots contiguous to intersecting streets.~~

~~WASTE means rejected, unutilized or superfluous substances in liquid, gaseous or solid form resulting from domestic, agricultural or industrial activities.~~

~~WASTEWATER means the water-carried wastes that are discharged into the sewage system.~~

~~WRECKER SERVICE means a towing service and an impoundment yard for inoperable motor vehicles waiting to be claimed by the owner or waiting repair.~~

YARD - GENERAL means an open space on the same lot with a building unoccupied and unobstructed by any portion of a structure from the ground upwards.

YARD - FRONT means an open unoccupied space on the same lot with a building situated between any front wall of the building and the front street line of the lot, and extending the full width of the lot.

YARD - REAR means interior lot rear yard means a space, unoccupied except as hereinafter permitted, extending the full width of the lot between the required rear building line and the rear lot line.

YARD - REAR - CORNER LOT means a space, unoccupied except as hereinafter permitted, extending from the interior side lot line to the corner lot side yard on the street side, between the required rear building line and the rear lot line.

YARD - INTERIOR SIDE means a space, unoccupied except as hereinafter permitted, between the building and the interior side line of the lot and extending from the front wall of the building (adjacent to the side yard) to the required rear building line.

YARD - CORNER LOT SIDE means a space, unoccupied except as hereinafter permitted, between the required building setback line and the street side line of the lot and extending from the front wall of the building (adjacent to the corner lot side yard) to the rear property line.

SECTION 4 GENERAL PROVISIONS

All legal and valid uses and structures existing at the time of adoption of this ordinance on Month, Date, Year [insert date ordinance amendment adopted], are hereby declared legal and valid uses and structures relative to zoning and may continue to exist as legal and valid structures subsequent to the passage of this ordinance. The uses and structures shall be exempt from Article XI of this ordinance, pertaining to nonconforming uses and structures. Any change in use or modifications made to the existing structure shall comply with this ordinance, as amended or its successors.

Except as hereinafter provided, no building shall be constructed, reconstructed, erected, converted, enlarged or structurally altered nor any building or land used which does not comply with all the regulations established by this ordinance in the district in which such building or land is located.

Except as hereinafter provided, no lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than herein prescribed.

Except as hereinafter provided, no yard or other open space to be used in connection with any building for the purpose of complying with the provisions of these regulations shall be considered as providing a yard or open space for any other building nor shall a yard or other open space on a lot wherein a building is to be erected.

Except as hereinafter provided, every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building and its accessory buildings on one lot, except as specifically provided herein for commercial and industrial districts.

Except as hereinafter provided, no land shall be used for, and no building shall be erected for or converted to, any use other than as provided in the regulations prescribed for the district in which it is located.

Uses similar to the uses expressly permitted in a district, ~~other than an LIM District,~~ shall be permitted uses in such district.

It shall be unlawful for any person, organization, firm or corporation to operate an outdoor retail sale and/or outdoor commercial promotion, except where such sale or promotion has received a

written permit from the Building Official and is in connection with and adjacent to an existing permanent business operating in the Buckingham Area or is for the sale of Christmas trees between November 15th and December 26th.

The outside storage and display of goods, wares and merchandise is prohibited, except as specifically authorized herein. The outside storage and display of goods, wares and merchandise shall be permitted on the sidewalk ~~side walk~~ adjacent to the building, provided such goods, wares or merchandise shall not extend more than three (3) feet from the building and shall not be more than three (3) feet in height, and provided, further, that there shall be a least five (5) feet in width of unobstructed sidewalk remaining.

Provided that the above prohibition shall not be construed to prohibit the following:

1. In the above height limitation shall not apply to storage and display of Christmas trees for a period not to exceed forty (40) days prior to Christmas each year.
2. The above prohibition shall not be construed to apply to merchandise dispensing units (limited to not more than three (3) for any one business establishment) when such merchandise dispensing units are operated in connection with the operation of an open-front type of drive-in grocery store.
3. The above prohibition shall not be construed to prohibit the storage and display of merchandise normally placed on gasoline service station pump islands, when placed on such islands.
4. The above prohibition shall not be construed to prohibit the storage and display of rental trailers, or to newspaper racks.

No property located within the Buckingham Area ~~corporate limits of the Town of Buckingham~~ shall be used and no building shall be erected for or converted to be used as an auto wrecking yard, junkyard, salvage storage, scrap metal storage yard or wrecking material yard.

Temporary residential housing, including mobile homes and modular housing, shall not be permitted in any district.

The maximum permitted floor area ratios within the Buckingham Area ~~Town~~ is 0.75 to 1. No occupied building hereafter erected, constructed or placed within the Buckingham Area ~~Town~~ shall exceed the maximum floor area ratio ~~established for the zone~~ within which such occupied building is located.

~~Building lines in subdivisions previously platted and accepted by the Town of Buckingham prior to the adoption of this ordinance shall be controlled by such subdivision plats and not be the building line requirements of this ordinance.~~

The percentage lot coverage shall be that defined under each specific zoning district.

The maximum permitted height for a building or structure in any district shall not exceed the more restrictive of:

- 1a. Five (5) standard stories
- 2b. Federal Aviation Administration air space limitations
- 3e. Express limitations contained in this ordinance.

Open terraces, balconies or porches, garages, carports or other automobile storage structures, and roof extensions may protrude up to ten (10) feet into the required front yard, but no supporting structure for such structures or extensions may be located within the required front yard. An unenclosed canopy for a gasoline filling station or similar business may not extend into the required front yard. A parking area is permitted in the front yard of a lot used primarily for retail uses and a lot used primarily for multiple-family dwellings.

Window sills and other ornamental features on a structure may protrude up to twelve (12) inches into a side or rear yard. Roof extensions, balconies, awnings, garage, carport or other automobile storage structures, may protrude into a side or rear yard to within three (3) feet of a side or rear lot line; provided, no supporting structure shall be located within the required side or rear yard. Open or lattice enclosed fire escapes, fireproof outside stairways, balconies opening upon fire towers, and ordinary projections of chimneys and flues may protrude into rear yards up to three point five (3.5) feet. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the ground may protrude into a side yard to within two (2) feet from the lot lines; provided no such protrusion shall be closer than five (5) feet to a street line. Fences and sight-barring fences-screening walls may be constructed in rear yards, and in side yards not abutting a street or private road. Parking areas, driveways, fire lanes, landscaping, public utility facilities and service access drives are permitted in rear and side yards.

~~SWIMMING POOLS:~~Swimming pools may be located on any residential district lot or any duplex residential lot as follows: Swimming pools may only be located on any lot within the buildable area and the rear yard, except that on corner lots, pools may also be located on the street side in the side yard between the projection of the rear wall of the main building on the street side and the rear lot line on the street side. Swimming pools may not be located in any area which cannot be provided with a barrier that shall be installed in accordance with Chapter 6, Article IV. Fences of the Code of Ordinances and all applicable Codes of the City of Richardson, as amended. ~~Uniform Building Code as adopted by the Town.~~ The pool water's edge must be located a minimum of three (3) feet from-any property line. Pool equipment may only be located in areas where swimming pools are permitted. Any accessory building to the pool shall be regulated as is prescribed for other detached buildings.

ARTICLE II

DISTRICTS AND DISTRICT BOUNDARIES

SECTION 1 DISTRICTS

Land use within the **Buckingham Area**~~Town of Buckingham~~ is hereby subject to ~~five (5)~~six basic land use districts, being:

1. “UR” Unified Residential District
2. “R” Retail District
3. “O/R” Office/Retail
4. “O/C” Office/Commercial District
5. “LIM” Light Industrial/Manufacturing District

SECTION 2 BOUNDARIES

The boundaries of the districts are indicated upon the Zoning District Map of the **City of Richardson**~~Town, which is attached hereto as Exhibit A and made a part of this ordinance.~~

SECTION 3 RULES - BOUNDARY LINES

Where uncertainty exists with respect to the boundaries of the various districts as shown by the Zoning District Map, the following rules apply:

1. District boundaries indicated as dividing a lot or tract shall be construed as being located as shown on the Zoning District Map.
2. District boundaries indicated as approximately following the center lines of streets, private roads, or alleys shall be construed as following such center lines.
3. District boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- ~~4. District boundaries indicated as approximately following Town limit lines shall be construed as following such Town limit lines.~~

ARTICLE III

GENERAL **DEVELOPMENT** REQUIREMENTS

SECTION 1 GENERAL

All development shall be in conformance to Chapter 21. Subdivision and Development Ordinance of the City of Richardson, as amended, with the exception of the following:

1. **LANDSCAPE PERCENTAGE:** All non-residential lots developed within any district shall contain a minimum of ten percent (10%) landscaping.
2. **MISCELLANEOUS LANDSCAPE ELEMENTS:** There shall be permitted fountains, sculptures, planters, walkways, flag poles, light standards and decorative screen type walls as elements of landscaping in areas designated for landscaping. Decorative type walls, planters and sculptures shall be thirty (30) inches or less in height.

Provided that the above prohibition shall not be construed to prohibit the following:

- a. In the above height limitation shall not apply to storage and display of Christmas trees for a period not to exceed forty (40) days prior to Christmas each year.
 - b. The above prohibition shall not be construed to apply to merchandise dispensing units (limited to not more than three (3) for any one business establishment) when such merchandise dispensing units are operated in connection with the operation of an open-front type of drive-in grocery store.
 - c. The above prohibition shall not be construed to prohibit the storage and display of merchandise normally placed on gasoline service station pump islands, when placed on such islands.
 - d. The above prohibition shall not be construed to prohibit the storage and display of rental trailers, or to newspaper racks.
3. **BUILDING LINES:** Building lines in subdivisions previously platted and accepted by the former Town of Buckingham prior to the adoption of ~~this ordinance~~ Ordinance Number 95-1 (January 12, 1995) by the former Town of Buckingham shall be controlled by such subdivision plats and not be the building line requirements of this ordinance.
 4. **BUILDING ACCESS:** Every building, except accessory buildings, shall have access to a street or private road. No parking area or required yard for one building shall be computed as being the yard or parking area requirements for any other building or use

5. **VENDING MACHINES:** All ice boxes, ice machines and vending machines shall be placed inside the principal building with which they are associated or behind a site barring fence/screening wall.

SECTION 1 — FLOOR AREA RATIO ZONES

The maximum permitted floor area ratios within the Town is .75 to 1. No occupied building hereafter erected, constructed or placed within the Town shall exceed the maximum floor area ratio established for the zone within which such occupied building is located.

SECTION 2 — USES

Except as hereinafter provided, no land shall be used for, and no building shall be erected for or converted to, any use other than as provided in the regulations prescribed for the district in which it is located.

Temporary residential housing, including mobile homes and modular housing, shall not be permitted in any district.

Uses similar to the uses expressly permitted in a district, other than an LIM District, shall be permitted uses in such district.

SECTION 3 — HEIGHT RESTRICTION

The maximum permitted height for a building or structure in any district shall not exceed the more restrictive of:

- a1. Five (5) standard stories
- b2. Federal Aviation Administration air space limitations
- c3. Express limitations contained in this ordinance.

SECTION 24 — DEVELOPMENT PROCEDURE SITE PLAN APPROVAL

All development shall be in accordance with Article II, Development Procedure of Chapter 21, Subdivision and Development Ordinance of the City of Richardson, Texas, as amended. Prior to the issuance of any building permit, there shall be submitted to the Town Planning and Zoning and Council for its approval, a site plan drawn to an acceptable scale and with adequate copies.

The site plan shall show, but not be limited to, the arrangement of the proposed improvements in detail, together with the essential requirements such as parking facilities, location of buildings and other structures, means of ingress and egress, areas to be landscaped, together with any other requirements provided by the Comprehensive Zoning Ordinance, or other valid ordinances of the Town of Buckingham.

In the approval or disapproval of the site plan, the Planning and Zoning Commission nor the Town Council shall not be authorized to waive or vary conditions and requirements contained in

~~this Ordinance.~~

~~It shall be unlawful to issue a building permit prior to the approval of the site plan by the Planning and Zoning Commission and the Town Council.~~

~~If during the course of considering the site plan, the Planning and Zoning Commission is of the opinion that proper approval or disapproval cannot be granted without a detailed landscape plan, the Planning and Zoning Commission is authorized to request the applicant to submit a landscape plan and further authorized to withhold action of the site plan until the submission of the landscape plan has been received and reviewed.~~

~~For the purpose of assisting in-process planning, a preliminary site plan may be submitted for the Planning and Zoning Commission to consider. Such preliminary site plan may contain any or all of the site plan requirements and must be drawn to scale, submitted in adequate quantity and titled "PRELIMINARY SITE PLAN". The approval of a preliminary site plan will not imply approval of all elements of a site plan. It shall be unlawful to issue a building permit on a "preliminary site plan".~~

~~SECTION 5 — LANDSCAPING~~

~~All lots developed within any district shall contain a minimum of ten percent (10%) landscaping, which may include grass, ground cover, hedges, shrubs, plants, trees, waterways and fountains. Landscaped areas within public scenic or open areas that are adjacent to any lot, whether landscaped by the lot owner or the Town, shall be included as part of such adjacent lot for the purpose of meeting the ten percent (10%) landscape requirement. A lot owner shall not be required to provide additional landscaping on his lot if the Town subsequently prohibits or restricts the use of any such adjacent area for landscaping.~~

~~SECTION 5.1 — LANDSCAPING PLAN APPROVAL~~

~~Prior to the issuance of any occupancy permit, there shall be submitted to the Planning and Zoning Commission for its approval a landscape plan drawn to the same scale as the site plan and submitted with the same number of copies as the site plan. If at any time of site plan consideration, the Planning and Zoning Commission is of the opinion that proper approval or disapproval cannot be granted to the site plan without a detailed landscape plan, the Planning and Zoning Commission is authorized to request submission of the landscape plan at that time and further authorized to withhold action on the site plan.~~

~~Except where otherwise provided, all yard, setback, parking, service, and recreational areas shall be landscaped with lawns, trees, shrubs, or other live plant materials and shall be permanently maintained in a neat and orderly manner as a condition for use. This condition may be noted on the occupancy permit.~~

~~Where the use of a living screen is proposed, such screen may be included as an element of the site plan and as an element of the landscape plan.~~

~~There shall be permitted fountains, sculptures, planters, walkways, flag poles, light standards and~~

~~decorative screen type walls as elements of landscaping in areas designated for landscaping. Decorative type walls, planters and sculptures shall be thirty (30) inches or less in height. With respect to landscaping parking areas, a minimum of two percent (2%) of all parking areas shall be landscaped. On parking areas having not more than two rows, the two percent (2%) requirements can be met in perimeter landscaping; for lots having more than two rows, at least one half of the landscaping requirements must be internal to the lot.~~

~~The landscape plan shall show in detail but not be limited to the location of each element of landscaping, a description or name of each landscape element or group of elements, the number and size of each tree and height of any proposed planter, sculpture or decorative screen.~~

~~The Planning and Zoning Commission shall consider the adequacy of the proposed landscaping and any other aspect deemed necessary to consider in the interest of promoting the public health, safety, order, convenience, prosperity and general welfare.~~

~~In the approval or disapproval of the landscape plan, the Planning and Zoning Commission shall not be authorized to waive or vary conditions and requirements contained in this ordinance.~~

~~It shall be unlawful to issue an occupancy permit prior to the approval of the landscape plan by the Planning and Zoning Commission. Prior to the issuance of an occupancy permit, all approved screening and landscaping must be in place or if seasonal considerations prohibit the completion of the landscaping, a temporary occupancy permit may be issued for such time as is reasonable to complete the landscaping.~~

~~SECTION 6 — OUTSIDE STORAGE AND DISPLAY OF GOODS, WARES OR MERCHANDISE~~

~~The outside storage and display of goods, wares and merchandise is prohibited, except as specifically authorized herein. The outside storage and display of goods, wares and merchandise shall be permitted on the side walk **sidewalk** adjacent to the building, provided such goods, wares or merchandise shall not extend more than three (3) feet from the building and shall not be more than three (3) feet in height, and provided, further, that there shall be a least five (5) feet in width of unobstructed sidewalk remaining.~~

~~Provided that the above prohibition shall not be construed to prohibit the following:~~

- ~~1. In the above height limitation shall not apply to storage and display of Christmas trees for a period not to exceed forty (40) days prior to Christmas each year.~~
- ~~2. The above prohibition shall not be construed to apply to merchandise dispensing units (limited to not more than three (3) for any one business establishment) when such merchandise dispensing units are operated in connection with the operation of an open-front type of drive-in grocery store.~~
- ~~3. The above prohibition shall not be construed to prohibit the storage and display of~~

~~merchandise normally placed on gasoline service station pump islands, when placed on such islands.~~

- ~~4. The above prohibition shall not be construed to prohibit the storage and display of rental trailers, or to newspaper racks.~~

~~SECTION 7 — OUTSIDE STORAGE DISPLAY SALE~~

~~It shall be unlawful for any person, organization, firm or corporation to operate an outdoor retail sale and/or outdoor commercial promotion within the Town, except where such sale or promotion has received a written permit from the Building Official and is in connection with and adjacent to an existing permanent business operating in the Town or is for the sale of Christmas trees between November 15th and December 26th.~~

~~SECTION 8 — VISION CLEARANCE~~

~~Unless authorized by the Town, no wall, berm, fence, structure, sign, tree, shrub, hedge, or other item taller than three (3) feet above the average street or private road grade may be placed or maintained:~~

- ~~1. At the intersection of two (2) streets (or private road), within a triangular area determined by beginning at the intersecting point of the curb lines or pavement lines of the streets (or private road), then following each curb line or pavement line thirty five (35) feet to two (2) points, then connecting those two (2) points by a straight line; and~~
- ~~2. At the intersection of a street (or private road) and an alley, within a triangular area determined by beginning at the intersecting point of the curb lines or pavement lines of the street (or private road) and the alley, then following each curb line or pavement line twenty five (25) feet to two (2) points, then connecting those two (2) points by a straight line.~~

~~SECTION 9 — FRONT YARD USES~~

~~Open terraces, balconies or porches, garages, carports or other automobile storage structures, and roof extensions may protrude up to ten (10) feet into the required front yard, but no supporting structure for such structures or extensions may be located within the required front yard. An unenclosed canopy for a gasoline filling station or similar business may not extend into the required front yard. A parking area is permitted in the front yard of a lot used primarily for retail uses and a lot used primarily for multiple family dwellings.~~

~~SECTION 10 — SIDE AND REAR YARD USES~~

~~Window sills and other ornamental features on a structure may protrude up to twelve (12) inches into a side or rear yard. Roof extensions, balconies, awnings, garage, carport or other automobile storage structures, may protrude into a side or rear yard to within three (3) feet of a side or rear lot line; provided, no supporting structure shall be located within the required side or rear yard.~~

~~Open or lattice enclosed fire escapes, fireproof outside stairways, balconies opening upon fire towers, and ordinary projections of chimneys and flues may protrude into rear yards up to three point five (3.5) feet. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the ground may protrude into a side yard to within two (2) feet from the lot lines; provided no such protrusion shall be closer than five (5) feet to a street line. Fences and sight barring fences **screening walls** may be constructed in rear yards, and in side yards not abutting a street or private road. Parking areas, driveways, fire lanes, landscaping, public utility facilities and service access drives are permitted in rear and side yards.~~

~~**SECTION 11 — LOCATION OF BUILDINGS**~~

~~Every building, except accessory buildings, shall have access to a street or private road. No parking area or required yard for one building shall be computed as being the yard or parking area requirements for any other building or use.~~

~~**SECTION 12 — SIGHT BARRING FENCE **SCREENING WALL****~~

~~Wherever a lot being used for uses other than residential adjoins a lot being used for residential purposes or zoned residential, and such lots are not separated by a street or private road, a six (6) foot or taller sight barring fence **screening wall** shall be constructed and maintained on the non-residential use lot to separate the non-residential use from the adjoining residential use and/or residential zoning district. The construction of this screening wall must be completed prior to a building permit being issued for the principal structure on the non-residential use lot.~~

~~**SECTION 13 — VENDING MACHINES**~~

~~All ice boxes, ice machines and vending machines shall be placed inside the principal building with which they are associated or behind a sight barring fence **screening wall**.~~

~~**SECTION 14 — LOADING**~~

~~Occupied buildings with a gross floor area of more than twenty thousand (20,000) square feet and used primarily for retail, office, commercial, light industrial or manufacturing uses, shall provide an off-street area for the loading and unloading of merchandise or goods that is screened from view of public streets. A service access drive shall provide access to the loading area. Trucks and buses servicing, for commercial purposes, occupied buildings with more than twenty thousand (20,000) gross square feet may shall park only in designated loading and unloading areas.~~

~~**SECTION 15 — PARKING**~~

~~No more than twenty five percent (25%) of all required parking space, in any district and for any use, may be compact car spaces. Trucks and buses servicing, for commercial purposes, occupied buildings with more than twenty thousand (20,000) gross square feet may park only in designated loading and unloading areas. Head-in parking, wherein the maneuvering is done on a street or private road, shall not be classified as off-street parking in computing the parking requirements for any use.~~

~~SECTION 16~~¹⁵ FIRE LANES AND HYDRANTS

~~16.1. Fire Lanes: All portions of the exterior walls of the ground floor of any occupied building hereafter constructed, erected or placed on a lot shall be within one hundred fifty (150) feet (as the fire hoses lay) from a street or fire lane. The driving surface of fire lanes shall: be (i) be unobstructed horizontally, (ii) have a vertical clearance of thirteen (13) feet, six (6) inches, and (iii) have a width, radius and turning radius, as follows:~~

	<u>Width</u>	<u>Radius</u>	<u>Turning radius</u>
1.a.	20 feet	30 feet	30 feet
2.b.	25 feet	20 feet	30 feet
3.c.	30 feet	10 feet	20 feet

~~Any dead-end fire lane more than one hundred fifty (150) feet in length shall have a minimum ninety (90) foot diameter paved turnaround, or a hammerhead no less than one hundred (100) feet in length and twenty four (24) feet in width, with minimum twenty (20) foot entrance and exit radii.~~

~~16.2. Fire Lane Markings: The owner of a lot shall be responsible to install and maintain pavement markings and/or signs to designate the location of fire lanes not within a street or private road which are on his lot. The boundaries of fire lanes shall be marked by six (6) inch wide painted lines of red traffic paint, with six (6) inch lettering with a one (1) inch wide stroke of white traffic paint stating "No Parking Fire Lane" at intervals of twenty five (25) feet along the red painted lines.~~

~~16.3. Fire Hydrants. Fire hydrants shall be installed no more than five hundred (500) feet apart along all streets, private roads and fire lanes. Fire hydrants shall be installed no more than eight (8) feet from the center of the hydrant barrel to the curb face of a paved street or private road or to the edge of a designated fire lane. Before the walls of any occupied building are erected, a fire hydrant shall be installed, charged, and accept accepted by the Town, within three hundred (300) feet of all exterior portions of the first story of such building.~~

~~SECTION 17~~¹⁶ PAVING STANDARDS

~~The following minimum paving construction standards shall apply to all districts:~~

- ~~1. Except when in conflict with the provisions in this Section, materials and construction methods for all parking areas, fire lanes, access drives, and loading and refuse container areas within the Town shall conform to the Standard Specifications for Public Works Construction, issued by the North Central Texas Council of Governments, dated 1983, including addenda and modifications to those specifications~~
- ~~2. Subgrade for all pavements shall be prepared by removing the existing vegetation then~~

~~scarifying the existing clays to a depth of at least six (6) inches and mixing with eight percent (8%) hydrated lime (equal to forty (40) pounds per square yard) by dry unit weight. The soil lime mixture will be allowed to cure for forty eight (48) hours, then remixed and compacted to at least ninety eight percent (98%) of Standard Proctor maximum dry density (ASTM D 698) at/or slightly above the optimum moisture content~~

- ~~3. Driveway approaches or entrances within any dedicated right-of-way shall be constructed of concrete with a minimum thickness of six (6) inches and a minimum compressive strength of three thousand (3,000) psi, reinforced with 6X6 W2.9XW2.9 welded wire fabric~~
- ~~4. Fire lanes, alleys, loading areas, service access drives, and refuse container pads and aprons shall be constructed of concrete with a minimum thickness of six (6) inches and a minimum compressive strength of three thousand (3,000) psi, reinforced with 6X6 W2.9XW2.9 welded wire fabric;~~
- ~~5. Driveways for single family detached or attached townhouse residences shall be constructed of concrete with a minimum thickness of four (4) inches and a minimum compressive strength of three thousand (3,000) psi, reinforced with 6X6 W2.9XW2.9 welded wire fabric~~
- ~~6. All other parking areas shall be constructed of concrete with a minimum thickness of four (4) inches and a minimum compressive strength of three thousand (3,000) psi, reinforced with 6 X6 W2.9XW2.9 welded wire fabric.~~

SECTION 1817 REFUSE CONTAINERS

- ~~18.1. Residential — Every multiple family dwelling shall have a refuse container located within two hundred fifty (250) feet from the dwelling, measured along a designated pedestrian or vehicular travel way.~~
- ~~18.2. Non-residential — All lots used primarily for non-residential uses shall have sufficient refuse containers, but not less than one (1), to accommodate the trash and garbage from the uses on the lot.~~
- ~~18.3. Location Screening — Each refuse container shall be located on a pad not less than fourteen (14) feet by twenty (20) feet and shall be adjacent to a service access drive or fire lane. If the refuse container is oriented at more than a thirty (30) degree angle from the service access drive or fire lane, a minimum turning radius of forty (40) feet shall be provided for the collection vehicle. No refuse container shall be located within any yard requirement, or within ten (10) feet of any lot line except when such line adjoins an alley. Each refuse container shall be screened from view on three sides by a sight barring fence screening wall which is not less than six (6) feet nor more than eight (8) feet in height, or by enclosure within building within a building. Refuse containers shall be provided and maintained in a manner to satisfy local public health and sanitary regulations.~~

ARTICLE IV

UNIFIED RESIDENTIAL ("UR")

SECTION 1 PERMITTED USES

In a Unified Residential ("UR") District, no land, building or other structure shall be used for any use other than dwelling uses, including single family dwellings, townhouses, patio homes, ~~condominiums, apartments and duplex~~ two family and other multi-family dwellings ~~which are attached, detached or semi-detached~~, and the following:

1. Accessory buildings
2. Buildings - temporary for construction purposes only (which must be removed upon completion or abandonment of construction work), and field offices for the sale of real estate which must be removed within ninety (90) days following written notice from the building official.
- ~~3. Bulletin boards and signs, illuminated or otherwise, for churches and schools not exceeding twenty five (25) square feet in area or four (4) feet in height, and erected behind the building line.~~
- ~~34. hobby shop and uses customarily incident to any of the above uses which do not involve the conduct of a business other than customary Customary home occupations engaged in by occupants of the dwelling; provided an incidental uses shall never be permitted as a principal use.~~
- ~~5. kindergarten and day nursery.~~
- ~~6. Name plate or sign a single lighted or unlighted name plate or sign for a specific residential area when such sign does not exceed an area of twenty (20) square feet, is not over four (4) feet in height and is erected behind the building line.~~
- ~~47. Parks, playgrounds and neighborhood recreational centers.~~
- ~~58. Public buildings. Public uses fire station, police station or other municipal or public building or utility, or public transit passenger shelter; telephone exchanges (wire centers) public libraries, water pumping plants, sanitary sewer lift stations.~~
- ~~69. Swimming pools, private tennis courts, golf courses, jogging trails and bicycle trails.~~

SECTION 2 YARD REGULATIONS

- | **12. Front Yard** - Each lot shall have a front yard with a depth of not less than twenty-five (25) feet

On corner lots, and where lots have double frontage, running through from one street to another, the required front yard shall be required on both streets.

No structures shall be located in the required front yard or in required side yard abutting a street. This includes parking areas, swimming pools and other recreational facilities, but does not prohibit decorative items such as fountains, sculptures, flag poles or decorative screen walls thirty (30) inches or less in height which are an integral part of a landscaping scene.

No parking shall be allowed in any front yard area. However drives of ingress and egress from the public street to the parking area shall be allowed to cross the front yard from front to rear.

- | **2.2 Side Yard** - Each lot shall have two side yards, each having a width of not less than six (6) feet.

Where the long sides of the apartment building, other than the ends, are adjacent to or parallel to the side lot lines, the side yard shall be not less than ten percent (10%) of the length of the building side adjacent to the side yard, but in no case shall the side yard be less than twelve (12) feet.

Where the side of a building containing openings, for access to the building, faces the side lot line, side yards shall have a minimum width equal to ten percent (10%) of the length of the building but in no case shall the distance be less than sixteen (16) feet.

In the case of open court, closed court apartment buildings or the construction of parallel apartment buildings facing or backing to each other on a single lot or tract or a combination of lots, or where the ends of an apartment building are adjacent to and parallel to the side of another apartment building, or where corners of apartment buildings are the closest points between buildings, then a side lot shall be assumed to exist along the center line of any such court, yard or open space across which the sides or corners of apartment buildings face or back upon each other.

- | **3.2.3 Rear Yard** – Each apartment lot shall have a rear yard area extending the full width of the lot of a depth of not less than fifteen (15) feet.

- | **4.2.4 Overhang and Fireplaces** - The minimum setback requirements shall apply in all cases, except that fireplaces, eaves, bays, balconies and fireproof outside stairways may extend up to a maximum of three and one-half (3 1/2) feet into the required front, side or rear yards.

~~SECTION 3 — PARKING REGULATIONS~~ Refer to Article X Off-street Parking for parking requirements.

~~3.1 — **Parking for Residences** — Each single family detached dwelling unit shall have a minimum of two (2) off street parking spaces. All other dwellings shall have a minimum off street parking equal to one (1) parking space for every five hundred (500) feet, or fraction thereof, of the aggregate gross floor area for all dwelling units on the lot; provided, no lot is required to have more than two (2) off street parking spaces for each dwelling unit located thereon.~~

~~— No parking area or vehicle storage space shall be used for the storage or parking of any truck, truck trailer or van, house trailer, except one panel or pickup truck, not exceeding one (1) ton capacity may be kept on the premises if used in connection with maintenance and management of the apartment project.~~

~~3.2 — **Other Permitted Uses** — Parking for all other permitted uses shall be off street and in such amounts as determined by the Building Official.~~

SECTION 34 MISCELLANEOUS

1.4.1 **Access** - Alleys within or abutting an apartment district may be used for ingress and egress to parking and service areas provided a minimum paved alley width of twenty (20) feet is provided from a street to the parking or service area.

~~4.2 — **Refuse and waste storage** — Refuse and waste storage areas shall conform to the Town's standards.~~

2.4.3 **Recreational areas** - Each apartment project shall provide one or more recreational or playground areas to meet the requirements of the residents in such project.

Wherever possible, usable open space shall be disposed in such a manner as to insure the safety and welfare of resident children.

34.4 **Swimming pools** - Swimming pools, as an accessory structure to a principal building, shall be subject to approval by the Building Official after taking into consideration the location and size of the plot; the site; the detailed plans of such swimming pool and any required accessories; and such other factors as may be required for the health, safety and general welfare of the community. In addition, the Building Official may require that any swimming pool, including mechanical equipment, be located at such distance from any property line as not to interfere with the peace, comfort and repose of the occupant(s) of any adjoining building or residence. Any lights illuminating such swimming pools shall be so erected as to eliminate direct rays and minimize reflected rays of light on adjoining premises. An outdoor swimming pool shall be provided with a barrier that shall be

installed, inspected and approved prior to plastering or filling with water. The barrier shall comply with Chapter 6, Article IV. Fences of the Code of Ordinances and all applicable Codes of the City of Richardson, as amended.~~with the Section, Chapter or Appendix Chapter of the Uniform Building Code which is enforcee by the Town of Buckingham.~~

- 4.5 **Mechanical Equipment** - Mechanical equipment shall be constructed, located and screened behind the front building line and a minimum distance of three (3) feet from any other property line~~so as not to interfere with the peace, comfort and repose of the occupant(s) of any adjoining building or residence.~~

ARTICLE V

RETAIL (“R”) DISTRICT REGULATIONS

SECTION 1 PERMITTED USES

In a Retail ("R") District, no land, building or other structure shall be used for any use other than ~~non-residential~~ ~~non-residential~~ the uses permitted in UR Districts and:

1. Antique shops
2. Aquariums
3. Art galleries
4. Automotive parts and accessories, retail sales only
5. Bakeries, retail sales only
6. Banks, savings and loan associations, and other similar financial services, but not including mortgage companies
7. Barber and beauty shops
8. Book, stationery stores and news stands
9. Bowling alleys if air-conditioned and sound proofed
10. Restaurants ~~Cafeterias and cafes with~~ without drive-through or drive-in or curbside service. , ~~drive-in and take-out facilities, but not including the sale of alcoholic beverages for consumption on premises~~
11. Camera shops, photographic supplies, photographic and artist studios, retail sales only
12. Candy, cigars and tobaccos, retail sales only
13. Caterer and wedding services
14. Cleaning, dyeing and laundry pick-up station having an area of not more than five-hundred (500) square feet for receiving and delivery of articles to be cleaned, dyed and laundered, provided no actual work shall be performed on premises; or a facility where dry cleaning or laundering may be performed on site provided the area of such facility shall not exceed 3,000 square feet.

15. Computer retail sales and related computer service
16. Country club, golf courses
17. Clothing and fabric sales, retail sales only
18. Craft stores
19. Dance schools or studios
20. Department stores, novelty or variety shops for retail sales only
21. Drama schools and studios
22. Drug stores for retail sales only, including prescription pharmacies and offices, stores and display rooms for the sale and rental of medical supplies and equipment
23. Electrical supplies, retail sales only
24. Electric substation or telephone facilities provided that no repair or storage activity is maintained therein
25. Film developing and printing
26. Florist, retail sales only
27. Funeral homes
- ~~27. Gasoline filling station for service of passenger vehicles only and ice delivery stations~~
28. Grocery stores, retail sales ~~only, including ice delivery stations and the sale of alcoholic beverages not for on-premises consumption~~
29. Hardware, home improvement, paints, wall paper, all for retail sales only
30. Health clubs, spas and tanning salons
- ~~31. Hotels and motels, including restaurants selling alcoholic beverages for on-premises consumption and specialty shops primarily for the use of and benefit of hotel and motel guests.~~
- 31~~32~~. Household and office furniture, furnishings and appliances, retail sales and repair.

- 3233. Jewelry, retail sales only
- 3334. Meat markets, retail sales only
- ~~35. Mortuaries, Funeral homes, and undertakers~~
- 3436. Motion picture theaters, auditoriums, and concert halls
- 3537. Museums, libraries, fine art centers, and similar cultural facilities, public or private
- 3638. Musical instruments, retail sales only
- 3739. Nurseries for the retail sales of plants and trees, provided that all incidental equipment and supplies, including fertilizers and empty containers, are kept within the building
- 3840. Office buildings not to exceed three (3) standard stories in height, unless combined with retail uses cannot exceed five (5) standard stories in height
- 3941. Optical goods and services
- 4042. Pet shop, retail sales only
- 4143. Photographers or artists studio
- 42.44. Plumbing supplies, retail sales only and without warehouse facilities
- 4345. Printing shops, letter and mimeograph shops
- 4446. Private recreation and cultural activities including museums, libraries, amusement parks or centers, playgrounds, community centers, gymnasiums, swimming facilities, tennis facilities, etc.; as well as private residential or recreation clubs and community buildings in any district with the following special conditions:
 - a1. Outdoor lighting shall be constructed and maintained or screened in conformance with Article XXII-B, Sec. 2.(E) of the City of Richardson's Comprehensive Zoning Ordinance, as amended.~~so as to eliminate direct rays or glare and minimize reflected rays of light on adjoining property.~~
 - b2. Any special condition or restriction, including a time limit for occupancy or size of tract, necessary to protect the public health, safety and welfare as may be required by the City of Richardson~~Town Council~~
- 4547. Professional and business offices for architects, attorneys, engineers and real

estate sales and development; medical clinics, offices of dentists, doctors and other practitioners of the healing arts licensed or similarly recognized under the laws of the State of Texas; offices for specialists in supportive therapy, podiatry, psychological testing and counseling.

4648. Public parking, both multilevel garages and parking lots, for the parking of passenger vehicles, all without automobile repair and service facilities.

4749. Restaurants, cafes, cafeterias, including restaurants and cafes selling alcoholic beverages for consumption on the premises; the terms restaurants and cafes as used herein, refer to places which are regularly open for the service of food to customers for compensation as the primary business for such place, receive the majority of their business thru the sale of food, have suitable seating for guests, suitable facilities for the preparation and service of foods, and which may, as an auxiliary use, provide space for and permit patrons to dance.

4850. Retail package sale of alcoholic beverages and/or convenience stores selling beer, wine and/or other items.

4951. Retail stores or shops for custom work or for the making of articles to be sold for retail on the premises.

5052. Seamstress, dressmaker or tailor

5153. Shoe repair and leather working shops, for retail sales only

5254. Shopping centers

5355. Sporting goods, for retail sales only

~~56. Storage—mini-warehouse storage~~

5457. Studios for dance, music, drama, health, and reducing facilities

5558. Studios for the display and sale of glass, china, art objects, cloth and draperies

~~59. Taxi stands~~

5660. Toy stores

5761. Video rentals

5862. Washaterias, self-service, equipped with automatic washing machines not exceeding twenty (20) pounds in capacity and dryers or extractors not exceeding sixty (60) pounds in capacity

~~5963.~~ Wearing apparel sales, including clothing, shoes, hats, millinery and accessories

~~64.— Accessory buildings and uses customarily incident to the above uses.~~

SECTION 2 YARD REGULATIONS

- ~~12.~~ **FRONT YARD** – Each lot shall have a front yard with a depth of not less than forty (40) feet.
2. **SIDE YARD** - Each lot shall have two side yards having a combined width of not less than five (5) feet; provided no side yard shall be less than one (1) foot wide. The portion of a side yard abutting a street line shall not be less than forty (40) feet wide. ~~A side yard toward which an occupied building faces, without any obstruction by another occupied building, shall not be less than twenty five (25) feet wide.~~ Additionally, where the side of a building faces on a residential district, the screening and open space requirements of Subsection 21-47(m) of Chapter 21, Subdivision and Development, of the Code of Ordinances, as amended or its successors, shall apply.
- ~~32.~~ **REAR YARD** - Each lot shall have a rear yard with a depth of not less than five (5) feet. Additionally, where the rear of a building faces on a residential district, the screening and open space requirements of Subsection 21-47(l) of Chapter 21, Subdivision and Development, of the Code of Ordinances, as amended or its successors, shall apply.

~~SECTION 3 — PARKING REGULATIONS~~ Refer to Article X Off-street Parking for parking requirements.

~~Off-street parking space shall be provided for the appropriate building use classification according to the following ratios:~~

- ~~1. — Bank and savings and loan associations: (1/300 s.f.) one (1) space for each three hundred (300) square feet of gross floor area~~
- ~~2. — Bowling alleys: (5/1 alley) five (5) spaces for each alley~~
- ~~3. — Business office: (1/333 s.f.) one (1) space for each three hundred thirty three (333) square feet of gross floor area~~
- ~~4. — Furniture store: (1/1000 s.f.) one (1) space for each thousand (1,000) square feet of gross floor area~~
- ~~5. — General retail: (1/200 s.f.) one (1) space for each two hundred (200) square feet of gross floor area~~
- ~~6. — Hotel and motel: (5/4 rooms) five (5) spaces for each four (4) rooms available for~~

rent

- ~~7. Medical or dental clinics: (1/200 s.f.) one (1) space for each two hundred (200) square feet of gross floor area~~
- ~~8. Motion picture theaters, auditoriums and concert halls: (1/4 seats) one (1) space for each four (4) seats based on maximum occupancy~~
- ~~9. Restaurants: (1/100 s.f.) one (1) space for each one hundred (100) square feet of gross floor area.~~
- ~~10. Parking regulations for all uses deemed not to be included above shall be (1/333 s.f.) one (1) space for each three hundred thirty three (333) square feet of gross floor area.~~

ARTICLE VI

OFFICE/RETAIL ("O/R") DISTRICT

SECTION 1 PERMITTED USES

In all Office/Retail ("O/R") District no land, building or other structure shall be used for any use other than the uses specifically enumerated permitted in the R Districts, and office buildings not to exceed five (5) standard stories in height, and:

1. Mortgage companies and other financial services

SECTION 2 YARD REGULATIONS

~~12.1.~~ **FRONT YARD** - Each lot shall have a front yard with a depth of not less than forty (40) feet

~~2.2.~~ **SIDE YARD** - Each lot shall have two side yards. The minimum side yard shall not be less than ten (10) feet in depth. The portion of a side yard abutting a street line shall not be less than forty (40) feet wide in depth. ~~A side yard toward which an occupied building faces, without any obstruction by another occupied building, shall not be less than twenty (20) feet wide.~~ Additionally, where the side of a building faces on a residential district, the screening and open space requirements of Subsection 21-47(m) of Chapter 21, Subdivision and Development, of the Code of Ordinances, as amended or its successors, shall apply.

~~32.3.~~ **REAR YARD** - Each lot shall have a rear yard with a depth of not less than ten (10) feet. Additionally, where the rear of a building faces on a residential district, the screening and open space requirements of Subsection 21-47(l) of Chapter 21, Subdivision and Development, of the Code of Ordinances, as amended or its successors, shall apply.

~~SECTION 3 — PARKING REGULATIONS~~ Refer to Article X Off-street Parking for parking requirements.

~~Parking regulations for Office/Retail District uses are consistent with the parking regulations for similar uses in other districts, and will include:~~

- ~~1. Mortgage companies: (1/333 s.f.) one (1) space for each three hundred thirty-three (333) square feet of gross floor area~~

ARTICLE VII

OFFICE/COMMERCIAL ("O/C") DISTRICT REGULATIONS

SECTION 1 USE REGULATIONS

In an Office/Commercial ("O/C") District, no land, building or other structure shall be used for any use other than the uses permitted in O/R Districts, ~~and:~~

- ~~1. bus terminal~~
- ~~2. hospitals, and other health service facilities; ambulance dispatch stations~~
- ~~3. Accessory buildings and uses customarily incident to the above use~~

SECTION 2 YARD REGULATIONS

~~12.1.~~ **FRONT YARD** - Each lot shall have a front yard with a depth of not less than forty (40) feet.

~~2.2.~~ **SIDE YARD** ~~-Each lot shall have each two side yards having a width of not less than ten (10) feet. The minimum side yard shall not be less than ten (10) feet in depth.~~ The portion of a side yard abutting a street line shall not be less than forty (40) feet wide in depth. ~~A side yard toward which an occupied building faces, without any obstruction by another occupied building, shall not be less than twenty (20) feet wide.~~ Additionally, where the side of a building faces on a residential district, the screening and open space requirements of Subsection 21-47(m) of Chapter 21, Subdivision and Development, of the Code of Ordinances, as amended or its successors, shall apply.

~~32.3.~~ **REAR YARD** - Each lot shall have a rear yard with a depth of not less than twelve (12) feet. Additionally, where the rear of a building faces on a residential district, the screening and open space requirements of Subsection 21-47(l) of Chapter 21, Subdivision and Development, of the Code of Ordinances, as amended or its successors, shall apply.

~~SECTION 3~~ **PARKING REGULATIONS** Refer to Article X Off-street Parking for parking requirements.

~~Off street parking space shall be provided for the appropriate building use classification according to the following ratios ratios:~~

- ~~1. Bus terminal: (1/5) employees) one (1) space for each five (5) employees plus one (1) space for each one thousand (1,000) square feet of gross floor area~~
- ~~2. Hospitals and health service facilities: (1/5 employees) one (1) space for each five~~

~~(5) employees plus one (1) space for each three (3) beds~~

3. ~~Parking for all uses deemed not to be included above shall be (1/333 s.f.) one (1) space for each three hundred thirty three (333) square feet of gross floor area.~~

ARTICLE VIII

LIGHT INDUSTRIAL/MANUFACTURING ("LIM") DISTRICT REGULATIONS

SECTION 1 USE REGULATIONS

In a Light Industrial/Manufacturing ("LIM") District, no land, building or structure shall be used for any use other than those permitted in O/C Districts, and:

1. Public parks, playgrounds, or neighborhood recreation centers owned and operated by the City of Richardson Town;
- ~~2. new and used automobile and truck sales and service~~
- ~~3. auto laundries provided all equipment and activity is enclosed~~
24. Legal manufacturing, research, wholesale, storage, and industrial plant operations, provided that this paragraph shall not be construed to permit airports, airplane motor ships or motor test blocks, acetylene gas manufacture or storage of gun powder, fireworks or other explosives, processing or storage of garbage, dead animals or refuse, stockyards, foundry, smelter, batching plant, junk yards, used auto parts or any other use which is obnoxious or offensive by reason of odor, dust, smoke, gas or noise. All outdoor equipment, machinery and storage shall be screened from sight when viewed from any public thoroughfare or adjoining land. ~~Accessory buildings and uses customarily incident to the permitted uses are allowed.~~

SECTION 2 YARD REGULATIONS

- ~~12.1.~~ **FRONT YARD** - Each lot shall have a front yard with a depth of not less than twenty-five (25) feet.
- ~~2.2.~~ **SIDE YARD** - Each lot shall have two side yards having a combined width of not less than fifteen (15) feet; provided no side yard shall be less than five (5) foot wide. The portion of a side yard abutting a street line shall not be less than twenty (20) feet wide. ~~A side yard toward which an occupied building faces, without any obstruction by another occupied building, shall not be less than twenty (20) feet wide.~~ Additionally, where the side of a building faces on a residential district, the screening and open space requirements of Subsection 21-47(m) of Chapter 21, Subdivision and Development, of the Code of Ordinances, as amended or its successors, shall apply.
- ~~32.3.~~ **REAR YARD** - Each lot shall have a rear yard with a depth of not less than fifteen (15) feet. Additionally, where the rear of a building faces on a residential district, the

screening and open space requirements of Subsection 21-47(l) of Chapter 21, Subdivision and Development, of the Code of Ordinances, as amended or its successors, shall apply.

SECTION 3 — PARKING REGULATIONS — Refer to Article X Off-street Parking for parking requirements.

~~Off-street parking spaces shall be provided for the appropriate building use classification according to the following ratios:~~

- ~~1. — Parking regulations for the Light Industrial/Manufacturing District uses shall be consistent with the parking regulations for similar uses in other districts.~~
- ~~2. — Automobile and truck sales and repair shall provide one parking space for each three hundred fifty (350) square feet of repair shop facilities and one parking space for each three hundred (300) square feet of showroom space, in addition to parking spaces provided for the display and storage of new and used automobiles and trucks.~~
- ~~3. — Manufacturing, research, industrial and processing establishments, repair shops, warehouses, storage buildings and lumber and supply yards, shall provide off-street parking space at a ratio of one (1) space for each four (4) employees. — The maximum number of employees on duty at any time, day or night shall be the basis for determining parking requirements for any establishment. — Where the number of employees is indeterminable, off-street parking space shall be provided in a ratio of one (1) space for each one thousand (1,000) square feet of gross floor area.~~
- ~~4. — Parking for all uses deemed not to be included above shall be (1/333 s.f.) one (1) space for each three hundred thirty three (333) square feet of gross floor area.~~

ARTICLE IX

SPECIAL ~~USE~~-PERMITS

SECTION 1 REQUIRED FOR LOCATION IN SPECIFIED DISTRICTS

The ~~city council of the City of Richardson, Texas~~~~Town Council of the Town of Buckingham, Texas~~ may after public hearing and proper notice to all parties affected, and after recommendation from the ~~city plan commission~~ ~~Planning and Zoning Commission~~ containing such requirements and safeguards as are necessary to protect adjoining property, as well as the public health, safety, morals and general welfare, authorize the location of special permit uses in specified districts.

Every special ~~–~~permit granted under the provisions of this article shall be considered as an amendment to the zoning ordinance as applicable to such property. In granting such permit, the ~~city council~~~~Town Council~~ may impose such conditions as may be necessary to promote and protect the public health, safety, order, morals, convenience, prosperity and general welfare. Said conditions shall be complied with by the grantee before certificate of occupancy may be issued.

SECTION 2 USE REGULATIONS

1. Apartments, in any district.

2. Auto laundries provided all equipment and activity is enclosed, in the O/C or LIM districts.

31. Boarding kennels and veterinary hospitals in the R, O/R, O/C or LIM districts~~any commercial or industrial district~~, with special condition as listed below:

Veterinarian offices specializing in treatment of small animals (pets) with the following building and working conditions:

Such treatment be conducted entirely within the building.

Parking requirements shall be the same as required for medical, dental and professional offices.

Air-conditioning systems for all recovery and ward areas shall be separated from the reception areas, or the following shall be utilized in conjunction with a single air-conditioning system:

High-efficiency strainer--three (3) microns or above: or

Ninety-five percent (95%) efficiency strainer --five (5) microns or above:
or

Electrostatic precipitator: or

Ultraviolet radiation

No boarding of animals other than that necessary for recovery from treatment or surgery shall be allowed in a veterinarian office.

When a kennel or veterinarian hospital or a veterinarian office is located within a building with other forms of ~~busine~~-business, an eight (8) inch masonry fire wall sealed to the roof deck or fire stop shall be provided to separate tenants in order to protect adjacent tenants against insects, sound transmission or noxious odors.

~~2. Bookstore or store whose major income is derived from engaging in the display, sale or trade of any material which is intended to arouse sexual lust or passion for commercial gain or to exploit sexual lust or perversion for commercial gain in any district.~~

4. Bus terminal, in the O/C or LIM district.

5. Check cashing business, in the O/R or O/C districts, subject to the supplemental regulations of Article XXII E of the Comprehensive Zoning Ordinance of the City of Richardson, as amended.

63. Commercial amusement enterprises such as circuses, carnivals, driving ranges, miniature golf courses, pony rides, miniature train rides, rodeos, water slides, go-cart tracks, giant slides, motorcycle tracks, skateboard tracks or arenas, and similar enterprises, in the R, O/R, O/C or LIM district any district.

74. Controlled substance paraphernalia shop for the sale of any instrument, device, article, or contrivance used, designed for use, or intended for use in ingesting, smoking, administering or preparing marijuana, hashish, hashish oil, cocaine or any other controlled substance, in the O/C any district. For purposes of this ordinance "paraphernalia" shall be defined by the laws of the State of Texas.

8. Day nursery, in the R, O/R or O/C districts.

9. Electronic-cigarette establishment, in the R, O/R or O/C districts.

105. Fortune tellers, reader or spiritual advisors in the O/C any district

116. Heliport, helipads, or any helicopter landing area, in the R, O/R, O/C or LIM districts~~any district~~
12. Hospitals and ambulance dispatch stations, in the O/C and LIM districts.
13. Hotel, in the R, O/R, O/C or LIM districts.
14. Large scale retail store, in the R, O/R, O/C or LIM districts.
15. Massage establishment, in the R, O/R, O/C or LIM districts.
16. Motor vehicle sales/leasing, new in O/C or LIM districts.
175. Motor vehicle sales/leasing, used ~~used~~ in the O/C and LIM districts.
185. ~~Motor vehicle service station Gasoline filling station for service or passenger vehicles only, in R, O/R, O/C or LIM districts. any district other than UR.~~
197. Movie theater, in the R, O/R, O/C or LIM districts. ~~or establishment showing "X" rated motion pictures or films or other entertainment, either in a movie theatre setting or in individual stalls or booths, which are produced, shown or displayed or intended to arouse sexual lust or passion for commercial gain or to exploit sexual lust or perversion for commercial gain in any district;~~
208. To permit paved parking lots to be used for the collection of recyclable materials utilizing a portable container or portable device for collection of said materials, in the R, O/R, O/C or LIM districts. ~~T~~the design, use and location of said containers is to be specified and approved at the time of issuance of the special permit.
- Any collection center within a paved parking lot shall not utilize nor encumber more than ten percent (10%) of said parking lot, nor shall collection center obstruct or interfere with any fire lane, fire hydrant, access easement or any area necessary for proper traffic circulation.
- Any collection center shall set back from all dedicated street right-of-ways a distance of not less than forty (40) feet.
- Any structure or electrical devices shall be subject to all provisions of the Codes~~building codes of the Town of Buckingham~~ and shall obtain all other required permits prior to operation.
219. Pawnshop or "hock shop" where loans are made on the security of personal property and where such property, goods or merchandise are redeemed or sold, in the O/C ~~any~~ district, subject to a permit.

~~2210.~~ An establishment whose major income is derived from operating a penny arcade, amusement center, or game room, where billiard machines, shooting gallery, marble machine, marble table, marble shooting machine, miniature racetrack machine, miniature football machine, miniature golf machine, miniature bowling machine, air hockey game, foosball table, pin-ball machine, or similar device, is operated by a coin or token or for an admission charge or fee, which dispenses or affords skill or pleasure, in the R, O/R, O/C or LIM~~any~~ district.

~~23.~~ Restaurants with drive-through and/or curbside service, in the R, O/R, O/C or LIM districts.

~~24.~~ Smoking establishment, in any R, O/R or O/C districts.

~~25.~~ Storage – mini-warehouse storage, in the R, O/R, O/C or LIM districts.

~~26.~~ Temporary open air market in any R, O/R, O/C or LIM districts, subject to Article VIII, Chapter 12 of Code of Ordinances of the City of Richardson, as amended.

SECTION 3 SPECIAL SPECIFIC USE-PERMIT REGULATIONS

- ~~1.~~ Any use requiring approval of a special permit shall be in conformance with Article XXII-A Special Permits, Sec. 3 through Sec. 9 of the Comprehensive Zoning Ordinance of the City of Richardson, Texas, as amended.~~In recommending that a specific use permit for the premises under consideration be granted, the planning and zoning commission shall determine that such uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off street parking, protective screening and open space, heights of structures and compatibility of buildings.~~
- ~~2.~~ In granting a specific use permit, the Town Council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the building official for use of the building on such property pursuant to such specific use permit; and such conditions precedent to the granting of the certificate of occupancy.
- ~~3.~~ No specific use permit shall be granted unless the applicant, owner, and grantee of the specific use permit shall be willing to accept and agree to be bound by and comply with the written requirements of the specific use permit, as attached to the site plan drawing (or drawings) and approved by the planning and zoning commission and town council. No public hearing is necessary for the site plan approval.

- ~~4. The board of adjustments shall not have jurisdiction to hear, review, reverse or modify any decision, determination, or ruling with respect to the granting, extension, revocation, modification or any other action taken relating to such specific use permit.~~
- ~~5. Whenever regulations or restrictions imposed by this ordinance are either more or less restrictive than regulations imposed by any governmental authority through legislation, rule or restrictions which are more restrictive or impose higher standards or requirements shall govern.~~
~~Regardless of any other provision of this ordinance, no land shall be used and no structure erected or maintained in violation of any state or federal pollution control or environmental protection law or regulation.~~
- ~~6. When the town council authorizes granting of a specific use permit, the zoning map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, and said amendment is to indicate the appropriate zoning district for the approved use and suffixed by an "S" designation.~~
- ~~7. In some cases, a temporary specific use permit may be issued with the approval of the planning and zoning commission and the town council for a period not to exceed eighteen (18) months. Such temporary permit is not renewable and it may be issued without the amendment to the zoning ordinance specified in paragraph (6) above. Any desired specific use in excess of eighteen (18) months must be processed as an amendment to this ordinance.~~

ARTICLE X

OFF-STREET PARKING

SECTION 1 PARKING REGULATIONS

1. Off-street parking shall be provided for the appropriate building use classification, and determined by the gross floor area or other measures as provided below:
 - a. Bank and savings and loan associations: (1/300 s.f.) one (1) space for each three hundred (300) square feet of gross floor area.
 - b. Bowling alleys: (5/1 alley) five (5) spaces for each alley.
 - c. Bus terminal: (1/5} employees) one (1) space for each five (5) employees plus one (1) space for each one thousand (1,000) square feet of gross floor area.
 - d. Business office: (1/333 s.f.) one (1) space for each three hundred thirty-three (333) square feet of gross floor area.
 - e. Furniture store: (1/1000 s.f.) one (1) space for each thousand (1,000) square feet of gross floor area.
 - f. General retail: (1/200 s.f.) one (1) space for each two hundred (200) square feet of gross floor area.
 - g. Hospitals and health service facilities: (1/5 employees) one (1) space for each five (5) employees plus one (1) space for each three (3) beds.
 - h. Hotel: (5/4 rooms) five (5) spaces for each four (4) rooms available for rent.
 - i. Manufacturing, research, industrial and processing establishments, repair shops, warehouses, storage buildings and lumber and supply yards, shall provide off-street parking space at a ratio of one (1) space for each four (4) employees. The maximum number of employees on duty at any time, day or night shall be the basis for determining parking requirements for any establishment. Where the number of employees is indeterminable, off-street parking space shall be provided in a ratio of one (1) space for each one thousand (1,000) square feet of gross floor area.
 - j. Medical or dental clinics: (1/200 s.f.) one (1) space for each two hundred (200) square feet of gross floor area.
 - k. Mortgage companies: (1/333 s.f.) one (1) space for each three hundred thirty-three (333) square feet of gross floor area.

l. Motion picture theaters, auditoriums and concert halls: (1/4 seats) one (1) space for each four (4) seats based on maximum occupancy.

m. Motor vehicle sales/leasing, new and motor vehicle sales/leasing, used shall provide one parking space for each three hundred fifty (350) square feet of repair shop facilities and one parking space for each three hundred (300) square feet of showroom space, in addition to parking spaces provided for the display and storage of new and used motor vehicles.

n. Multiple Use Shopping Center: up to 10,000 square feet of gross building area: (1/333 sq. ft.) one space for each three hundred and thirty-three square feet of gross floor area. Over 10,000 square feet of gross building area: 30 spaces for the 1st 10,000 square feet of gross floor area, plus (1/200 sq. ft.) one space for each two hundred square feet of the remaining gross floor area. Ten percent (10%) reduction in required parking for buildings over 100,000 square feet of gross building area. ~~0 to 50,000 sq. ft. of gross building floor area: (1/250 s.f.) one space for each two hundred fifty square feet of gross floor area. More than 50,000 sq. ft. of gross building floor area: (1/300 s.f.) one space for each three hundred square feet of gross floor area.~~ All uses within the multiple use shopping center shall be calculated at the applicable standard. Any single-tenant, free-standing building shall provide their required parking for that use.

o. Residences: Each single family detached and attached dwelling unit shall have a minimum of two (2) off-street parking spaces. All other dwellings shall have a minimum off-street parking equal to one (1) parking space for every five hundred (500) feet, or fraction thereof, of the aggregate gross floor area for all dwelling units on the lot; provided, no lot is required to have more than two (2) off-street parking spaces for each dwelling unit located thereon.

No parking area or vehicle storage space shall be used for the storage or parking of any truck, truck trailer or van, house trailer, except one panel or pickup truck, not exceeding one (1) ton capacity may be kept on the premises if used in connection with maintenance and management of the apartment project.

p. Restaurants (with or without drive-through and/or curb service): (1/100 s.f.) one (1) space for each one hundred (100) square feet of gross floor area.

2. Parking for all uses deemed not to be included above shall be (1/333 s.f.) one (1) space for each three hundred thirty-three (333) square feet of gross floor area.

3. No more than twenty-five percent (25%) of all required parking space, in any district and for any use, may be compact car spaces.

4. Head-in parking, wherein the maneuvering is done on a street or private road, shall not be classified as off-street parking in computing the parking requirements for any use.
5. Loading: Occupied buildings with a gross floor area of more than twenty thousand (20,000) square feet and used primarily for retail, office, commercial, light industrial or manufacturing uses, shall provide an off-street area for the loading and unloading of merchandise or goods that is screened from view of public streets. A service access drive shall provide access to the loading area. Trucks and buses servicing, for commercial purposes, occupied buildings with more than twenty thousand (20,000) gross square feet may shall park only in designated loading and unloading areas.

ARTICLE XIX

NON-CONFORMING USES

SECTION 1 DEFINITION

All existing legal and valid non-conforming uses and structures at the time of adoption of this ordinance on Month, Date, Year [insert date ordinance adopted] shall comply with Article XXII, Nonconforming Uses of the Comprehensive Zoning Ordinance of the City of Richardson, Texas, as amended. Any lawful use of property existing at the time of the passage of this ordinance that does not conform with this ordinance shall be deemed a "non-conforming use"; except that any residential use existing at the time of passage of this ordinance shall be deemed a conforming use.

~~**SECTION 2 DISCONTINUED USE**~~

~~If a non-conforming use of property is discontinued for a period of time in excess of six (6) months, any future use of said property shall be in conformity with the provisions of this ordinance.~~

~~**SECTION 3 CONTINUED USE; STRUCTURAL ALTERATIONS**~~

~~A non-conforming use of a building (1) may be continued, (2) may be changed to another non-conforming use of the same or more restricted classification, and (3) may be extended throughout the building; provided no structural alterations except those required by law or ordinance are made therein; and further provided that in the event a non-conforming use of a building is once changed to a non-conforming use of a more restricted classification, it shall not later be reverted to a less restricted classification.~~

~~**SECTION 4 MAINTENANCE**~~

~~The right to continue a non-conforming use is subject to such regulations as to maintenance of the premises and conditions of operation as may, in the judgment of the Town Council, be reasonably required for the protection of the adjacent property.~~

~~**SECTION 5 DESTRUCTION**~~

~~A non-conforming use shall not be continued in case of total destruction of a building by fire or other cause. In case of partial destruction by fire or other cause, not exceeding fifty percent (50%) of a building's value, the building official shall issue a permit for reconstruction. If partial destruction is greater than fifty percent (50%), the Town Council may grant a permit for repair after public hearing and having given due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated non-conforming use and of the conservation and preservation of~~

property.

SECTION — 6 — VIOLATION

~~A violation of this ordinance and a request for a non-conforming designation or request for relief under this designation shall not create an estoppel of the trial of any law suit which may be filed in any court.~~

ARTICLE ~~XXIX~~
AMENDMENTS

SECTION 1 AMENDMENTS TO ORDINANCE

All subsequent amendments to this ordinance shall be in conformance with Article XXIX. Changes and Amendments of the Comprehensive Zoning Ordinance of the City of Richardson, Texas, as amended. The Town Council may from time to time amend, supplement, or change by ordinance the boundaries of the Zoning District Map or of the Floor Area Ratio Ratio Zone Map, the land use restrictions of the districts, or any other regulation or provision herein.

~~SECTION 2 ACTION BY TOWN PLANNING AND ZONING~~

~~The Town Planning and Zoning Commission shall consider any proposed amendment, supplement or change to this ordinance, make a preliminary report, and after ten (10) days notice as required by the general laws of the State of Texas, hold a public hearing before submitting its final report to the Town Council. The Town Council shall take no action on any proposed amendment, supplement or change until the Town Planning and Zoning Commission has submitted its final report. The Town Planning and Zoning Commission shall submit its final report within fifteen (15) days following the public hearing.~~

~~SECTION 3 ACTION BY TOWN COUNCIL~~

~~After notice has been given as provided by the general laws of the State of Texas, the Town Council shall hold a public hearing regarding the proposed amendment, supplement or change, and shall either approve or deny said proposed amendment, supplement or change. If the amendment, supplement or change is approved, an ordinance reflecting such shall be prepared and executed by the Mayor and attested by the Town Secretary.~~

~~SECTION 4 PUBLIC HEARINGS~~

~~The public hearing required to be held by the Town Planning and Zoning Commission and the Town Council may be held jointly upon notice given as required by the general laws of the State of Texas.~~

~~SECTION 5 CHANGES TO MAPS~~

~~The official Zoning District Map and Floor Area Ratio Zone Map of the Town shall be kept in the office of the Town Secretary, and all changes in such maps shall be noted thereon immediately after approval by the Town Council.~~

~~SECTION 6 APPLICATIONS AND FEES~~

~~6.1 Each application for amendment, supplement or change to the provisions of this ordinance shall be made in writing on a form suitable to the Town Council and shall be filed with the Town Secretary City Manager or his designee with the appropriate fee to be charged in accordance with the City of Richardson Zoning and Development Fee Schedule, as adopted by Resolution No. 06-11, as amended or its successors, under this ordinance for administration of the zoning application as follows:~~

- ~~1. Zoning application fees shall be \$200.00 plus \$25.00 per type of zoning request on a tract of land.~~

~~6.2 REQUIREMENTS~~

~~The applicant must submit a zoning application in accordance with the Zoning/Special Permits Submittal Requirements for the City of Richardson, furnish with a zoning application the following:~~

- ~~1. The legal description of the property to be affected by the proposed amendment, supplement or change, which legal description must be sufficient to allow a qualified surveyor to locate the property on the ground.~~
- ~~2. Three (3) plats showing the boundaries of the property.~~
- ~~3. The amendment, supplement or change desired.~~
- ~~4. Reasons for the change~~
- ~~5. Any land use restrictions applicable to the property created by deed, declaration or otherwise.~~
- ~~6. The status of the applicant whether owner, tenant, or prospective purchaser.~~

~~SECTION 7 DENIAL OF APPLICATION BY TOWN COUNCIL~~

~~When the Planning and Zoning Commission determines that a proposal should be denied, it shall so report and recommend to the Town Council and notify the applicant. When a proposed zoning request is heard by the Town Council that has been denied by the Planning and Zoning Commission, a three-fourths (3/4) majority vote by the Town Council shall be required for approval. A request that has been denied by the Planning and Zoning Commission and/or Town Council may be resubmitted at any time for reconsideration by the Town (a new filing fee must accompany the request). The Planning and Zoning Commission and/or Town Council may deny any request with prejudice. If a request has been denied with prejudice the request may not be resubmitted to the town for one (1) year from the original date of denial.~~

ARTICLE ~~XII~~ XIII

PENALTY FOR VIOLATIONS

SECTION 1 PENALTY FOR VIOLATIONS

Any person or corporation violating any of the provisions of this ordinance, shall upon conviction, be fined an amount not to exceed the maximum established by state law, and each and every day that the provisions of this ordinance are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district, where such property owner may be affected or invaded, by a violation of the terms of the ordinance, to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in that protection of the rights of such property owners.

ARTICLE XIII XIV

REPEALING CLAUSE

~~That Ordinance No. 99 95-1 of the Town of Buckingham entitled Comprehensive Zoning Ordinance of the Town of Buckingham is hereby repealed and all other ordinances or parts of ordinances in conflict or inconsistent with any of the provisions of this ordinance are hereby repealed insofar as the same are in conflict with the provisions hereof and insofar as necessary to give this ordinance full force and effect.~~

ARTICLE XIV XV

VALIDITY AND SEVERABILITY

~~If any section, paragraph, subdivision, clause, phrase or provision of this ordinance is adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provisions thereof, other than the part so decided to be invalid or unconstitutional.~~

ARTICLE XV XVI

EFFECTIVE DATE

~~Whereas, it appears that this ordinance should be adopted to protect the public interest, welfare, health, peace and safety of the citizens of the Town of Buckingham, and that such creates an emergency, this ordinance shall become effective immediately upon its passage.~~

~~PASSED AND APPROVED BY THE TOWN COUNCIL ON THIS THE 12TH XX DATE OF JANUARY, 1995 MONTH, 2015.~~

~~FRANK MALONE PAUL~~
VOELKER, MAYOR

ATTEST:

[SEAL]

Carolyn Jones Aimee Nemer, City Secretary

ORDINANCE NO. 4245

AN ORDINANCE OF THE CITY OF RICHARDSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF BUCKINGHAM AS HERETOFORE ADOPTED BY THE CITY OF RICHARDSON BY ORDINANCE NO. 3064-A ON APRIL 8, 1996, BY AMENDING ARTICLE I - TITLE, PURPOSE, DEFINITIONS AND GENERAL PROVISIONS; ARTICLE III - GENERAL REQUIREMENTS AND EXCEPTIONS; ARTICLE IV - UNIFIED RESIDENTIAL DISTRICT REGULATIONS; ARTICLE V - RETAIL DISTRICT REGULATIONS; ARTICLE VI - OFFICE/RETAIL DISTRICT REGULATIONS; ARTICLE VII - OFFICE/COMMERCIAL DISTRICT REGULATIONS; ARTICLE VIII - LIGHT INDUSTRIAL/MANUFACTURING DISTRICT REGULATIONS; ARTICLE IX - SPECIAL USE PERMITS; ESTABLISHING ARTICLE X - OFF-STREET PARKING; RE-ENUMERATING ARTICLE X - NON-CONFORMING USES AS ARTICLE XI TO BE CONSISTENT WITH ARTICLE XXII - NONCONFORMING USES OF THE CITY OF RICHARDSON'S COMPREHENSIVE ZONING ORDINANCE; RE-ENUMERATING ARTICLE XI - AMENDMENT AS ARTICLE XII TO BE CONSISTENT WITH ARTICLE XXIX - CHANGES AND AMENDMENTS OF THE CITY OF RICHARDSON'S COMPREHENSIVE ZONING ORDINANCE; ARTICLE XIII - REPEALING CLAUSE-ARTICLE; ARTICLE XIV - VALIDITY AND SEVERABILITY; AND ARTICLE XV - EFFECTIVE DATE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE. (ZONING FILE 18-07).

WHEREAS, the City of Richardson has heretofore annexed the Town of Buckingham into the corporate limits of the City of Richardson; and

WHEREAS, the City Council on April 8, 1996, by Ordinance No. 3064-A, adopted the Town of Buckingham comprehensive zoning ordinance; and

WHEREAS, the City Plan Commission of the City of Richardson and the governing body of the City of Richardson, in compliance with the laws of the State of Texas and the ordinances of the City of Richardson, have given requisite notice by 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, the governing body, in the exercise of the legislative discretion, has concluded that the Comprehensive Zoning Ordinance should be amended; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the Town of Buckingham, Texas, adopted on January 12, 1995, as heretofore amended, be, and the same are hereby amended as set forth in Exhibit “A”, attached hereto and incorporated herein for all purposes.

SECTION 2. That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 3. That all provisions of the ordinances of the City of Richardson, Texas, in conflict with the provisions of this Ordinance be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 4. That an offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Richardson, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 6. That this Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

DULY PASSED by the City Council of the City of Richardson, Texas, on the 26th day of
March, 2018.

APPROVED:

MAYOR

APPROVED AS TO FORM:

CORRECTLY ENROLLED:

CITY ATTORNEY
(PGS:3-23-18:TM 97390)

CITY SECRETARY

BUCKINGHAM AREA ZONING ORDINANCE

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ARTICLE I

TITLE, PURPOSE, DEFINITIONS AND GENERAL PROVISIONS

SECTION 1 TITLE

This ordinance shall be known as and may be cited and referred to as the "Buckingham Area Zoning Ordinance".

SECTION 2 PURPOSE

The Zoning regulations and districts herein established have been made in accordance with a comprehensive zoning plan for the purpose of promoting the health, safety, morals, and general welfare. The ordinance has been designed to promote the orderly development and redevelopment by establishing and adopting standards to control and regulate construction of buildings and improvements ; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. The ordinance has been made with reasonable considerations, among other things, of the suitability of each district and zone for particular uses for which it is designated with a view toward conserving the value of buildings and land and encouraging the most appropriate use of land for the benefit of the citizens and landowners.

SECTION 3 DEFINITIONS

General words used in the present tense include the future, and words in the singular number include the plural, words in the plural include the singular and the word "shall" is mandatory and not directory. The following words shall, for the purpose of this ordinance, have the meaning here applied:

ABUTTING OR ADJACENT means having property lines which are in common for a minimum distance of twenty-four (24) feet or district lines which are in common.

ACCESSORY BUILDING means a building subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building.

ALLEY means a public right-of-way or thoroughfare which is no less than eighteen feet (18') wide and affords only a secondary means of access to abutting property.

APARTMENT means a multifamily structure containing three or more dwelling units located on a single lot designed to be occupied by three or more families living independently of one another, excluding hotels or motels.

APPROVED PARKING SURFACE means an impervious surface as specified in applicable codes.

Exhibit "A"

BASEMENT means a story partly underground having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story if subdivided and used for dwelling or business purposes.

BUCKINGHAM AREA means the former Town of Buckingham, which was a Texas Municipal Corporation, and was subsequently annexed by the City of Richardson, Texas, which is a Texas Municipal Corporation, on April 8, 1996 in accordance with Ordinance No. 3064-A.

BUILDING means any structure built for support, shelter, or enclosure of persons, animals, chattels, records or other movable property, and when separated in a manner sufficient to prevent fire, each portion of such building shall be deemed a separate building.

BUILDING LINE means a line which is parallel to the lot lines and marks the minimum distance a building may be erected from a lot line, determined by the minimum yard requirements for a lot.

BUILDING OFFICIAL means the officer(s) or other designated authority, or a duly authorized representative, charged with the administration and enforcement of the Codes, as defined herein.

BUSINESS AND PROFESSIONAL OFFICES means professional and administrative offices where services are provided only and no chattels or goods are offered for sale on the premises, including, but not limited to, doctors, dentists, attorneys, architects, engineers, insurance agents, real estate agents and similar offices.

CANOPY means a roof like structure which extends horizontally more than one (1) foot from the face of a building wall and does not have a structural border.

CELLAR means a story having more than one-half of its height below the average level of the adjoining ground. A cellar shall not be counted as a story for the purpose of height measurement.

CHECK CASHING BUSINESS means an establishment that provides to the customer an amount of money that is equal to the face of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction, and where there is an agreement not to cash the check or execute an electronic transfer of money for a specified period of time, the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose for compensation by any person or entity other than a retail seller engaged primarily in the business of selling consumer goods, including consumables to retail buyers, that cashes checks or money orders or issues money orders or money transfers for a minimum flat fee as a service that is incidental to its main purpose or business, provided such retailer does not cash more than 100 checks in any calendar month. This definition excludes a state or federally chartered bank, savings and loan association or credit union, pawnshop or grocery store.

CHURCH means any structure used principally for regular assemble for religious worship and those accessory uses or activities which are customarily associated therewith.

CLINIC means a group of offices for one or more physicians, surgeons or dentists engaged in treating the sick or injured, but not including rooms for patients.

Exhibit "A"

CODES mean the International Building, Residential, Fire, Plumbing, Mechanical, Fuel Gas, Energy Conservation Codes and National Electrical Codes, and amendments that have been adopted by the City of Richardson, Texas under separate ordinance.

COPY means logos, characters, symbols or any other portion of a sign which conveys a message or information.

COURT means an open unoccupied space other than a yard, on the same lot with a building, and which is bounded on two or more sides by the building.

DAY NURSERY means a place where children are left for care between the hours of 6:00 A.M. and 12:00 midnight on a regular or routine basis for compensation.

DISTRICT means a section of the geographical area of the Buckingham Area, as herein defined for which the regulations governing use of land are uniform.

DRIVE-IN SERVICE means an establishment where food, frozen dessert and/or beverage is delivered to a consumer who is outside the building, said delivery to be accomplished by handing or passing the food, frozen dessert and/or beverage through a window or other opening in the building.

DRIVE-UP FOOD SERVICE OR CURB SERVICE means an establishment where food, frozen dessert and/or beverage is delivered to a consumer who is outside the building, by waiter, waitress or carhop, who is also outside the building, with the intent of said food to be consumed on or off the premises.

DUPLEX means a free-standing building on one lot having separate accommodations for and occupied by not more than two families, one family in each living unit.

DWELLING UNIT means a building or portion of a building which is arranged, occupied or intended to be occupied as living quarters by one family.

ELECTRONIC-CIGARETTE means a battery power product that uses an atomizer or similar device that allow users to inhale nicotine vapor or other vapor without fire, smoke, ash or carbon monoxide.

ELECTRONIC-CIGARETTE ESTABLISHMENT means a business establishment that is dedicated primarily to the sale and/or on premise use of electronic-cigarettes.

END OF BUILDING (APARTMENT) means the narrowest side of a building containing no doors or openings for access. If the narrower side of an apartment building contains doors or openings for access, it shall be subject to the same yard and space requirements as for the sides of a building other than the end.

Exhibit "A"

ERECT means to build, construct, attach, hang, place, suspend or affix, and when used with signs it shall also include the painting of signs on the exterior surface of a building or structure, and shall also include the painting, or affixing of signs to the exterior or interior surface of windows and shall include signs located interior to a building but readily visible from the exterior.

FACING OR SURFACE means the surface or surfaces of a building or sign when used as a sign upon, against, or through which a message is displayed or illustrated on a sign.

FAMILY means one or more persons related by blood, adoption or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons, but not exceeding two (2) living and cooking together as a single housekeeping unit, though not related by blood, adoption or marriage, shall be deemed to constitute a family.

FLOOR AREA RATIO means the ratio of the gross floor area of a building or buildings in relation to the gross land area of the site. The floor area ratio (FAR) shall be expressed as the gross floor area, being the first integer, followed by the gross land area, expressed as a constant of one (1), being the second integer.

FREEWAY means a major thoroughfare where right-of-way is two hundred and fifty (250) feet or greater.

GARAGE, ATTACHED, means a garage which has one or more walls common with the principal building on a lot or which is attached to the principal building by an enclosed porch, loggia or passage way, the roof of which is a part or an extension of the roof of the principal building and for the purpose of the height and area regulations of this ordinance, such a garage is to be considered a part of the principal building.

GARAGE, DETACHED, means a garage existing separate and apart from the principal building, but situated on the same lot, tract or parcel of land with the principal building.

GROSS FLOOR AREA means the total area of a building measured from the exterior surface of all exterior walls, including basements, elevator shafts or stairwells at each floor, interior balconies or mezzanine, and floor space in accessory buildings. Off-street parking structures are expressly excluded for this category.

GROSS LAND AREA means the total land area of a lot, tract, or parcel inclusive of street or alley right-of-way that are internal to the site and one-half of adjacent street or alley rights-of-way, provided said adjacent street is not indicated on the Master Transportation Plan of the City of Richardson. No portion of any street required by the master transportation plan shall be counted as gross land area for purposes of determining maximum floor area or minimum landscaping requirements.

Exhibit "A"

HEIGHT means the distance of a building or portion thereof, measured from the mean level of the ground surrounding the building to the highest point of the roof's surface if a flat surface, to the deck line of mansard roofs, or to the mean height level between eaves and ridge for hip and gable roofs. In measuring the height of a building, parapet walls not exceeding four feet in height, chimneys, cooling towers, ornamental cupolas, domes or spires shall be excluded.

HOME OCCUPATION means an occupation that is incidental and secondary to the primary use of the premises as a residence and customarily carried on in a residential unit by a member of the occupant's family without making structural alterations to the building or any of its rooms, without the installation of machinery other than that customary to normal household operation, without the employment of additional persons, without the use of a sign to advertise the occupation, and which does not cause the generation of additional traffic in the street, and does not include beauty culture schools, beauty parlors, doctors, dentist, or other similar offices for the treatment of patients.

HOSPITAL means an institution or place licensed by the State of Texas where sick or injured in-patients are given medical or surgical care, either at public (charity) or private expense.

HOTEL means a building or group of buildings offering overnight or temporary lodging accommodations or guest rooms on a daily rate to the general public and may provide additional services such as food service, meeting rooms and recreational facilities. A hotel may be a full-service hotel, limited-service hotel, or suite hotel.

HOTEL, FULL-SERVICE means a hotel offering sleeping accommodations along with full food and beverage service for three meals per day, meeting space of at least 2,000 square feet and other guest amenities. Up to 50 percent (50%) of the rooms in a full-service hotel may be suites, each with a parlor and a sleeping room, separated by a floor to ceiling partition.

HOTEL, LIMITED-SERVICE means a hotel offering sleeping accommodations with food and beverage service for fewer than three meals per day and providing less than 2,000 square feet of meeting area. Suite hotels as defined herein are specifically excluded from this definition.

HOTEL, SUITE means a hotel offering guest rooms, each with a parlor area and sleeping room separated by a floor to ceiling partition. Suite hotels may offer either full or limited-service, but are distinguishable by the separation of the sleeping and sitting areas.

KINDERGARTEN means a school for children of pre-public school age in which constructive endeavors, lessons and helpful games are prominent features of curriculum.

INCIDENTAL RETAIL OR SERVICE ACTIVITIES mean activities of a retail nature intended to provide support and personal services to the tenants of a building, including, but not limited to, personal care services such as barber and beauty shops, laundry pickup stations, printing and copy shops, office supply and stationary shops, travel agencies, secretarial services, candy/cigar/tobacco shops, florists, optical good sales, photographic supply sales, film developing and printing, and professional pharmacies.

Exhibit "A"

LARGE SCALE RETAIL STORE means a building or portion of a building with a gross floor area of seventy thousand (70,000) square feet or more the principal use of which is the operation of a single business engaged in the retail sale of goods or merchandise to the general public, but which may also include within such building or portion of building the operation of one or more accessory uses.

In addition to retail stores, this definition specifically includes, but is not limited to, businesses commonly known as membership warehouse clubs, wholesale membership clubs, outlet stores, discount or close-out clubs, grocery stores, and department stores.

LAUNDRY PICKUP STATION means a location for receiving and delivery of articles to be cleaned, dyed and laundered, no actual work to be done on the premises.

LOT means the parcel of land on which a principal building and its accessories are placed, together with its required open spaces.

MASSAGE ESTABLISHMENT shall have the same meaning provided to that phrase as set forth in Texas Occupations Code §455.001(5), as amended, and shall include, but not be limited to, establishments known variously as massage parlors, foot spas, reflexology establishments, and salon suites, offering massage, massage therapy or other massage services.

MASSAGE SERVICES, OTHER shall have the same meaning given to that phrase as set forth in Texas Occupations Code §455.001(11), as amended.

MASSAGE THERAPY shall have the same meaning given to that phrase as set forth in Texas Occupations Code §455.001(8), as amended.

MOTOR VEHICLE means any vehicle propelled by mechanical power, such as a car, van, pick-up or truck, recreational vehicle, motorcycle or boat. This definition shall include campers and recreational trailers that are not self-propelled but shall exclude construction equipment, forklifts and farm implements.

MOTOR VEHICLE SALES/LEASING, NEW means the sale and/or leasing of new motor vehicles including, as accessory uses on the same lot or tract, the sale of used motor vehicles and the repair, serving and storage of motor vehicles.

MOTOR VEHICLE SALES/LEASING, USED means the sale and/or leasing of used motor vehicles.

MOTOR VEHICLE SERVICE STATION means a building or premises, or any portion thereof, for the retail dispensing and sale of motor vehicle fuels, lubricants and automobile accessories including minor motor vehicle repair. This term shall also include convenience stores which sell motor vehicle fuels.

MOTOR VEHICLE STORAGE LOT means an approved parking surface used solely for the storage of motor vehicles in transit to a motor vehicle sales/leasing, new or motor vehicle sales/leasing, used business.

Exhibit "A"

NON-COMBUSTIBLE MATERIAL means any material that meets the non-combustibility tests or requirements of the Richardson Building Code and the Fire Code.

OCCUPANCY means and is the purpose for which, a building or land is used or intended to be used.

PARKING SPACE means an area not on a public street or alley, surfaced with an all-weather surface; enclosed or unenclosed; and connected to a street or alley by an all-weather surface driveway.

Standard Parking Space - not less than one hundred sixty-two (162) square feet - measuring approximately nine feet by eighteen feet (9' X 18').

Compact Car Parking Space - not less than one hundred twenty-eight (128) square feet measuring approximately eight feet by sixteen feet (8' x 16').

Bus Parking Space - not less than six hundred (600) square feet measuring approximately ten feet by sixty feet (10' X 60').

PARKING LOT OR GARAGE (COMMERCIAL OFF-STREET) means an approved parking surface, building or structure, other than an accessory parking lot as described herein, where motor vehicles may be stored for the purpose of temporary, daily or overnight off-street parking for a fee, charge or permit.

PARKING LOT (ACCESSORY) means an approved parking surface, a building or a structure, where motor vehicles may be stored for the purpose of temporary, daily or overnight off-street parking. An accessory parking lot supports the principal activity on the tract, lot or parcel of land.

PERSON means any individual, partnership, firm, association, corporation, company, organization or any other legal entity, or legal representatives, agents or assigns.

PRIVATE STREET or ALLEY means a private vehicular access shared by and serving two or more lots, which is not dedicated to the public as a street or alley and is not publicly maintained.

PROJECTING STRUCTURES means covered structures of a permanent nature which are constructed of approved building material, specifically excluding canvas or fabric material, and where such structures are an integral part of the main building or permanently attached to a main building and do not extend over public property. Projecting structure is defined to include marquee, canopy and fixed awning type of structures.

PUBLIC BUILDING means a building, structure or facility owned, leased, controlled, occupied, managed, primarily used and/or primarily occupied by the United States Government, the State of Texas, the city, an independent school district or political subdivision or agency of the State of Texas.

Exhibit “A”

REFUSE CONTAINER means a trash and garbage receptacle with a minimum of three (3) cubic yard capacity.

RESTAURANT means an establishment engaged primarily in the preparation and sale of food and beverages to the public for on-site consumption, including outdoor dining areas. Take-out service is allowed as an incidental use; however, drive-through or curb service is subject to the approval of a special permit in accordance with this ordinance.

RESTAURANT WITH CURB SERVICE means an establishment where food and/or beverage is delivered to a consumer who is in a motor vehicle or otherwise outside the building by a waiter, waitress or carhop, who is also outside the building, with the intent of said food being consumed on or off the premises.

RESTAURANT WITH DRIVE-THROUGH SERVICE means an establishment where food and/or beverage is delivered to a consumer who is outside the building, said delivery to be accomplished by handing or passing the food and/or beverage through a window, or other opening in the building.

ROOF LINE means the height which is defined by the intersection of the roof of the building and the wall of the building. Exceptions: For mansard-type roofs, the roof line shall be defined as the top of the lower slope of the roof. Roofs with parapet walls completely around the building and not exceeding four (4) feet in height may be considered as the roof line.

SCREENING WALL means a masonry wall which blocks the view from the ground to the height specified and serves as a visual barrier.

SERVICE ACCESS DRIVE means a designated twenty-four (24) foot wide drive which provides access to refuse containers and loading areas from a street, private road or fire lane.

SHOPPING CENTER means an area under common ownership devoted to activity similar to the uses permitted in the Retail District regulations.

SEWER means a pipe or conduit for carrying sanitary sewage.

SIGHT VISIBILITY TRIANGLE means a space left open and unobstructed by fences, structures, shrubs, trees or other plant life along streets at the corner in front of the building line of lots contiguous to intersecting streets.

SMOKING ESTABLISHMENT means a business establishment that is dedicated, in whole or in part, to the smoking of tobacco or other substances and includes any establishment that allows both (1) the payment of consideration by a customer to the establishment in exchange for on-site delivery of tobacco, tobacco accessories or similar substances and products to the customer; and (2) the onsite smoking of tobacco or other substances. This definition shall be construed to include establishments known variously as retail tobacco stores, cigar lounges, hookah cafes, tobacco clubs, tobacco bars, and similar establishments, but shall not include an establishment that derives 50 percent or more of its gross revenue on a quarterly basis (i.e., three months) from the sale of alcoholic beverages for on-premise consumption.

Exhibit "A"

STORY means that portion of a building between the surface of any floor and the surface of the floor next above, or if there is no floor above, then the space between the ground floor and the ceiling next above.

STANDARD STORY means the space measured from the mean level of the ground surrounding the building to the highest point of the roof's surface, but in no event to exceed thirty (30) feet in height for one standard story or forty-five (45) feet in height for two standard stories. All stories in excess of one standard story shall not exceed an average of twenty (20) feet per story.

HALF STORY means the space under a sloping roof, which has the line of intersection of roof decking and wall space not more than three (3) feet above the top floor level. A half-story containing an independent apartment or living quarters shall be counted as a full story.

STRUCTURE means anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a fixed location on the ground, and including gasoline pump-islands.

STRUCTURAL ALTERATIONS means any change in any supporting member of a building, such as a weight bearing wall, column, partition, beam or girder, or any change in the pitch or height of the roof.

STRUCTURAL TRIM means the molding, battens, cappings, nailing strips, latticing and platforms which are attached to the sign structure.

STUCCO means an exterior material of portland cement plaster, to be installed in strict conformance with the applicable requirements of the Codes as defined herein.

TEMPORARY OPEN AIR MARKET means a temporary outdoor market place, on private property where individual vendors offer produce, food, or other products are distributed, offered for sale, or sold directly to consumers by the persons that have raised, grown, made, crafted, processed, or produced the products, approved foods such as fruits, eggs, vegetables, pasteurized dairy products and honey, and other allowed foods. Temporary open air market does not include a flea market or other gatherings or markets offering merchandise, personal effects, tools, or outdoor retail sale or promotion subject to Article IV of Chapter 12 of the Code of Ordinance of the City of Richardson.

USE, (ACCESSORY) means a use customarily incident to the principal use.

USE, Non-Conforming means any building or land lawfully occupied by a use which does not conform with the use or regulations of the district in which it is situated.

VEHICLE means any automobile, truck, camper, tractor, van, trailer, or any device capable of being transported and shall be considered a vehicle in both moving and stationary modes, irrespective of state or repair condition.

YARD - GENERAL means an open space on the same lot with a building unoccupied and unobstructed by any portion of a structure from the ground upwards.

Exhibit "A"

YARD - FRONT means an open unoccupied space on the same lot with a building situated between any front wall of the building and the front street line of the lot, and extending the full width of the lot.

YARD - REAR means interior lot rear yard means a space, unoccupied except as hereinafter permitted, extending the full width of the lot between the required rear building line and the rear lot line.

YARD - REAR - CORNER LOT means a space, unoccupied except as hereinafter permitted, extending from the interior side lot line to the corner lot side yard on the street side, between the required rear building line and the rear lot line.

YARD - INTERIOR SIDE means a space, unoccupied except as hereinafter permitted, between the building and the interior side line of the lot and extending from the front wall of the building (adjacent to the side yard) to the required rear building line.

YARD - CORNER LOT SIDE means a space, unoccupied except as hereinafter permitted, between the required building setback line and the street side line of the lot and extending from the front wall of the building (adjacent to the corner lot side yard) to the rear property line.

SECTION 4 GENERAL PROVISIONS

All legal and valid uses and structures existing at the time of adoption of this ordinance on March 26, 2018, are hereby declared legal and valid uses and structures relative to zoning and may continue to exist as legal and valid structures subsequent to the passage of this ordinance. The uses and structures shall be exempt from Article XI of this ordinance, pertaining to nonconforming uses and structures. Any change in use or modifications made to the existing structure shall comply with this ordinance, as amended or its successors.

Except as hereinafter provided, no building shall be constructed, reconstructed, erected, converted, enlarged or structurally altered nor any building or land used which does not comply with all the regulations established by this ordinance in the district in which such building or land is located.

Except as hereinafter provided, no lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than herein prescribed.

Except as hereinafter provided, no yard or other open space to be used in connection with any building for the purpose of complying with the provisions of these regulations shall be considered as providing a yard or open space for any other building nor shall a yard or other open space on a lot wherein a building is to be erected.

Except as hereinafter provided, every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building and its accessory buildings on one lot, except as specifically provided herein for commercial and industrial districts.

Exhibit "A"

Except as hereinafter provided, no land shall be used for, and no building shall be erected for or converted to, any use other than as provided in the regulations prescribed for the district in which it is located.

Uses similar to the uses expressly permitted in a district shall be permitted uses in such district.

It shall be unlawful for any person, organization, firm or corporation to operate an outdoor retail sale and/or outdoor commercial promotion, except where such sale or promotion has received a written permit from the Building Official and is in connection with and adjacent to an existing permanent business operating in the Buckingham Area or is for the sale of Christmas trees between November 15th and December 26th.

The outside storage and display of goods, wares and merchandise is prohibited, except as specifically authorized herein. The outside storage and display of goods, wares and merchandise shall be permitted on the sidewalk adjacent to the building, provided such goods, wares or merchandise shall not extend more than three (3) feet from the building and shall not be more than three (3) feet in height, and provided, further, that there shall be a least five (5) feet in width of unobstructed sidewalk remaining.

Provided that the above prohibition shall not be construed to prohibit the following:

1. In the above height limitation shall not apply to storage and display of Christmas trees for a period not to exceed forty (40) days prior to Christmas each year.
2. The above prohibition shall not be construed to apply to merchandise dispensing units (limited to not more than three (3) for any one business establishment) when such merchandise dispensing units are operated in connection with the operation of an open-front type of drive-in grocery store.
3. The above prohibition shall not be construed to prohibit the storage and display of merchandise normally placed on gasoline service station pump islands, when placed on such islands.
4. The above prohibition shall not be construed to prohibit the storage and display of rental trailers, or to newspaper racks.

No property located within the Buckingham Area shall be used and no building shall be erected for or converted to be used as an auto wrecking yard, junkyard, salvage storage, scrap metal storage yard or wrecking material yard.

Temporary residential housing, including mobile homes and modular housing, shall not be permitted in any district.

The maximum permitted floor area ratios within the Buckingham Area is 0.75 to 1. No occupied building hereafter erected, constructed or placed within the Buckingham Area shall exceed the maximum floor area ratio within which such occupied building is located.

Exhibit "A"

The percentage lot coverage shall be that defined under each specific zoning district.

The maximum permitted height for a building or structure in any district shall not exceed the more restrictive of:

1. Five (5) standard stories.
2. Federal Aviation Administration air space limitations.
3. Express limitations contained in this ordinance.

Open terraces, balconies or porches, garages, carports or other automobile storage structures, and roof extensions may protrude up to ten (10) feet into the required front yard, but no supporting structure for such structures or extensions may be located within the required front yard. An unenclosed canopy for a gasoline filling station or similar business may not extend into the required front yard. A parking area is permitted in the front yard of a lot used primarily for retail uses and a lot used primarily for multiple-family dwellings.

Window sills and other ornamental features on a structure may protrude up to twelve (12) inches into a side or rear yard. Roof extensions, balconies, awnings, garage, carport or other automobile storage structures, may protrude into a side or rear yard to within three (3) feet of a side or rear lot line; provided, no supporting structure shall be located within the required side or rear yard. Open or lattice enclosed fire escapes, fireproof outside stairways, balconies opening upon fire towers, and ordinary projections of chimneys and flues may protrude into rear yards up to three point five (3.5) feet. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the ground may protrude into a side yard to within two (2) feet from the lot lines; provided no such protrusion shall be closer than five (5) feet to a street line. Fences and screening walls may be constructed in rear yards, and in side yards not abutting a street or private road. Parking areas, driveways, fire lanes, landscaping, public utility facilities and service access drives are permitted in rear and side yards.

Swimming pools may be located on any residential district lot or any duplex residential lot as follows: Swimming pools may only be located on any lot within the buildable area and the rear yard, except that on corner lots, pools may also be located on the street side in the side yard between the projection of the rear wall of the main building on the street side and the rear lot line on the street side. Swimming pools may not be located in any area which cannot be provided with a barrier that shall be installed in accordance with Chapter 6, Article IV. Fences, of the Code of Ordinances, and all applicable Codes of the City of Richardson, as amended. The pool water's edge must be located a minimum of three (3) feet from any property line. Pool equipment may only be located in areas where swimming pools are permitted. Any accessory building to the pool shall be regulated as is prescribed for other detached buildings.

ARTICLE II

DISTRICTS AND DISTRICT BOUNDARIES

SECTION 1 DISTRICTS

Land use within the Buckingham Area is hereby subject to five (5) basic land use districts, being:

1. "UR" Unified Residential District
2. "R" Retail District
3. "O/R" Office/Retail
4. "O/C" Office/Commercial District
5. "LIM" Light Industrial/Manufacturing District

SECTION 2 BOUNDARIES

The boundaries of the districts are indicated upon the Zoning District Map of the City of Richardson.

SECTION 3 RULES - BOUNDARY LINES

Where uncertainty exists with respect to the boundaries of the various districts as shown by the Zoning District Map, the following rules apply:

1. District boundaries indicated as dividing a lot or tract shall be construed as being located as shown on the Zoning District Map.
2. District boundaries indicated as approximately following the center lines of streets, private roads, or alleys shall be construed as following such center lines.
3. District boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

ARTICLE III

GENERAL DEVELOPMENT REQUIREMENTS

SECTION 1 GENERAL

All development shall be in conformance to Chapter 21. Subdivision and Development Ordinance of the City of Richardson, as amended, with the exception of the following:

1. Landscape Percentage: All non-residential lots developed within any district shall contain a minimum of ten percent (10%) landscaping.
2. Miscellaneous Landscape Elements: There shall be permitted fountains, sculptures, planters, walkways, flag poles, light standards and decorative screen type walls as elements of landscaping in areas designated for landscaping. Decorative type walls, planters and sculptures shall be thirty (30) inches or less in height.

Provided that the above prohibition shall not be construed to prohibit the following:

- a. In the above height limitation shall not apply to storage and display of Christmas trees for a period not to exceed forty (40) days prior to Christmas each year.
 - b. The above prohibition shall not be construed to apply to merchandise dispensing units (limited to not more than three (3) for any one business establishment) when such merchandise dispensing units are operated in connection with the operation of an open-front type of drive-in grocery store.
 - c. The above prohibition shall not be construed to prohibit the storage and display of merchandise normally placed on gasoline service station pump islands, when placed on such islands.
 - d. The above prohibition shall not be construed to prohibit the storage and display of rental trailers, or to newspaper racks.
3. Building Lines: Building lines in subdivisions previously platted and accepted by the former Town of Buckingham prior to the adoption of Ordinance Number 95-1 (January 12, 1995) by the former Town of Buckingham shall be controlled by such subdivision plats and not be the building line requirements of this ordinance.
 4. Building Access: Every building, except accessory buildings, shall have access to a street or private road. No parking area or required yard for one building shall be computed as being the yard or parking area requirements for any other building or use.
 5. Vending Machines: All ice boxes, ice machines and vending machines shall be placed inside the principal building with which they are associated or behind a screening wall.

SECTION 2 DEVELOPMENT PROCEDURE

All development shall be in accordance with Article II. Development Procedure, of Chapter 21. Subdivision and Development Ordinance, of the City of Richardson, Texas, as amended.

ARTICLE IV

UNIFIED RESIDENTIAL ("UR")

SECTION 1 PERMITTED USES

In a Unified Residential ("UR") District, no land, building or other structure shall be used for any use other than dwelling uses, including single family dwellings, townhouses, patio homes, and duplex dwellings, and the following:

1. Accessory buildings.
2. Buildings - temporary for construction purposes only (which must be removed upon completion or abandonment of construction work), and field offices for the sale of real estate which must be removed within ninety (90) days following written notice from the building official.
3. Home occupations provided incidental uses shall never be permitted as a principal use.
4. Parks, playgrounds and neighborhood recreational centers.
5. Public buildings.
6. Swimming pools, private tennis courts, golf courses, jogging trails and bicycle trails.

SECTION 2 YARD REGULATIONS

1. Front Yard - Each lot shall have a front yard with a depth of not less than twenty-five (25) feet.

On corner lots, and where lots have double frontage, running through from one street to another, the required front yard shall be required on both streets.

No structures shall be located in the required front yard or in required side yard abutting a street. This includes parking areas, swimming pools and other recreational facilities, but does not prohibit decorative items such as fountains, sculptures, flag poles or decorative screen walls thirty (30) inches or less in height which are an integral part of a landscaping scene.

No parking shall be allowed in any front yard area. However drives of ingress and egress from the public street to the parking area shall be allowed to cross the front yard from front to rear.

Exhibit "A"

2. Side Yard - Each lot shall have two side yards, each having a width of not less than six (6) feet.

Where the long sides of the apartment building, other than the ends, are adjacent to or parallel to the side lot lines, the side yard shall be not less than ten percent (10%) of the length of the building side adjacent to the side yard, but in no case shall the side yard be less than twelve (12) feet.

Where the side of a building containing openings, for access to the building, faces the side lot line, side yards shall have a minimum width equal to ten percent (10%) of the length of the building but in no case shall the distance be less than sixteen (16) feet.

In the case of open court, closed court apartment buildings or the construction of parallel apartment buildings facing or backing to each other on a single lot or tract or a combination of lots, or where the ends of an apartment building are adjacent to and parallel to the side of another apartment building, or where corners of apartment buildings are the closest points between buildings, then a side lot shall be assumed to exist along the center line of any such court, yard or open space across which the sides or corners of apartment buildings face or back upon each other.

3. Rear Yard – Each apartment lot shall have a rear yard area extending the full width of the lot of a depth of not less than fifteen (15) feet.
4. Overhang and Fireplaces - The minimum setback requirements shall apply in all cases, except that fireplaces, eaves, bays, balconies and fireproof outside stairways may extend up to a maximum of three and one-half (3 1/2) feet into the required front, side or rear yards.

SECTION 3 MISCELLANEOUS

1. Access - Alleys within or abutting an apartment district may be used for ingress and egress to parking and service areas provided a minimum paved alley width of twenty (20) feet is provided from a street to the parking or service area.
2. Recreational areas - Each apartment project shall provide one or more recreational or playground areas to meet the requirements of the residents in such project.

Wherever possible, usable open space shall be disposed in such a manner as to insure the safety and welfare of resident children.

3. Swimming pools - Swimming pools, as an accessory structure to a principal building, shall be subject to approval by the Building Official after taking into consideration the location and size of the plot; the site; the detailed plans of such swimming pool and any required accessories; and such other factors as may be required for the health, safety and general welfare of the community. In addition, the Building Official may require that any swimming pool, including mechanical equipment, be located at such distance from any property line as not to interfere with the peace, comfort and repose of the occupant(s) of

Exhibit "A"

any adjoining building or residence. Any lights illuminating such swimming pools shall be so erected as to eliminate direct rays and minimize reflected rays of light on adjoining premises. An outdoor swimming pool shall be provided with a barrier that shall be installed, inspected and approved prior to plastering or filling with water. The barrier shall comply with Chapter 6, Article IV. Fences, of the Code of Ordinances and all applicable Codes of the City of Richardson, as amended.

5. Mechanical Equipment - Mechanical equipment shall be constructed, located and screened behind the front building line and a minimum distance of three (3) feet from any other property line.

ARTICLE V

RETAIL ("R") DISTRICT REGULATIONS

SECTION 1 PERMITTED USES

In a Retail ("R") District, no land, building or other structure shall be used for any use other than non-residential uses permitted in UR Districts and:

1. Antique shops.
2. Aquariums.
3. Art galleries.
4. Automotive parts and accessories, retail sales only.
5. Bakeries, retail sales only.
6. Banks, savings and loan associations, and other similar financial services, but not including mortgage companies.
7. Barber and beauty shops.
8. Book, stationery stores and newsstands.
9. Bowling alleys if air-conditioned and sound proofed.
10. Restaurants without drive-through curb service.
11. Camera shops, photographic supplies, photographic and artist studios, retail sales only.
12. Candy, cigars and tobaccos, retail sales only.
13. Caterer and wedding services.
14. Cleaning, dying and laundry pick-up station having an area of not more than five-hundred (500) square feet for receiving and delivery of articles to be cleaned, dyed and laundered, provided no actual work shall be performed on premises.
15. Computer retail sales and related computer service.
16. Country club, golf courses.
17. Clothing and fabric sales, retail sales only.

Exhibit "A"

18. Craft stores.
19. Dance schools or studios.
20. Department stores, novelty or variety shops for retail sales only.
21. Drama schools and studios.
22. Drug stores for retail sales only, including prescription pharmacies and offices, stores and display rooms for the sale and rental of medical supplies and equipment.
23. Electrical supplies, retail sales only.
24. Electric substation or telephone facilities provided that no repair or storage activity is maintained therein.
25. Film developing and printing.
26. Florist, retail sales only.
27. Funeral homes.
28. Grocery stores, retail sales.
29. Hardware, home improvement, paints, wall paper, all for retail sales only.
30. Health clubs, spas and tanning salons.
31. Household and office furniture, furnishings and appliances, retail sales and repair.
32. Jewelry, retail sales only.
33. Meat markets, retail sales only.
34. Motion picture theaters, auditoriums, and concert halls.
35. Museums, libraries, fine art centers, and similar cultural facilities, public or private.
36. Musical instruments, retail sales only.
37. Nurseries for the retail sales of plants and trees, provided that all incidental equipment and supplies, including fertilizers and empty containers, are kept within the building.
38. Office buildings not to exceed three (3) standard stories in height, unless combined with retail uses cannot exceed five (5) standard stories in height.
39. Optical goods and services.

Exhibit "A"

40. Pet shop, retail sales only.
41. Photographers or artists studio.
42. Plumbing supplies, retail sales only and without warehouse facilities.
43. Printing shops, letter and mimeograph shops.
44. Private recreation and cultural activities including museums, libraries, amusement parks or centers, playgrounds, community centers, gymnasiums, swimming facilities, tennis facilities, etc.; as well as private residential or recreation clubs and community buildings in any district with the following special conditions:
 - a. Outdoor lighting shall be constructed and maintained or screened in conformance with Article XXII-B, Sec. 2.(E) of the City of Richardson's Comprehensive Zoning Ordinance, as amended.
 - b. Any special condition or restriction, including a time limit for occupancy or size of tract, necessary to protect the public health, safety and welfare as may be required by the City of Richardson.
45. Professional and business offices for architects, attorneys, engineers and real estate sales and development; medical clinics, offices of dentists, doctors and other practitioners of the healing arts licensed or similarly recognized under the laws of the State of Texas; offices for specialists in supportive therapy, podiatry, psychological testing and counseling.
46. Public parking, both multilevel garages and parking lots, for the parking of passenger vehicles, all without automobile repair and service facilities.
47. Restaurants, cafes, cafeterias, including restaurants and cafes selling alcoholic beverages for consumption on the premises; the terms restaurants and cafes as used herein, refer to places which are regularly open for the service of food to customers for compensation as the primary business for such place, receive the majority of their business thru the sale of food, have suitable seating for guests, suitable facilities for the preparation and service of foods, and which may, as an auxiliary use, provide space for and permit patrons to dance.
48. Retail package sale of alcoholic beverages and/or convenience stores selling beer, wine and/or other items.
49. Retail stores or shops for custom work or for the making of articles to be sold for retail on the premises.
50. Seamstress, dressmaker or tailor.
51. Shoe repair and leather working shops, for retail sales only.

Exhibit "A"

52. Shopping centers.
53. Sporting goods, for retail sales only.
54. Studios for dance, music, drama, health, and reducing facilities.
55. Studios for the display and sale of glass, china, art objects, cloth and draperies.
56. Toy stores.
57. Video rentals.
58. Washaterias, self-service, equipped with automatic washing machines not exceeding twenty (20) pounds in capacity and dryers or extractors not exceeding sixty (60) pounds in capacity.
59. Wearing apparel sales, including clothing, shoes, hats, millinery and accessories.

SECTION 2 YARD REGULATIONS

1. Front Yard – Each lot shall have a front yard with a depth of not less than forty (40) feet.
2. Side Yard - Each lot shall have two side yards having a combined width of not less than five (5) feet; provided no side yard shall be less than one (1) foot wide. The portion of a side yard abutting a street line shall not be less than forty (40) feet wide. Additionally, where the side of a building faces on a residential district, the screening and open space requirements of Subsection 21-47(m) of Chapter 21, Subdivision and Development, of the Code of Ordinances, as amended or its successors, shall apply.
3. Rear Yard - Each lot shall have a rear yard with a depth of not less than five (5) feet. Additionally, where the rear of a building faces on a residential district, the screening and open space requirements of Subsection 21-47(l) of Chapter 21, Subdivision and Development, of the Code of Ordinances, as amended or its successors, shall apply.

ARTICLE VI

OFFICE/RETAIL ("O/R") DISTRICT

SECTION 1 PERMITTED USES

In all Office/Retail ("O/R") District no land, building or other structure shall be used for any use other than the uses specifically enumerated permitted in the R Districts, and office buildings not to exceed five (5) standard stories in height, and:

1. Mortgage companies and other financial services.

SECTION 2 YARD REGULATIONS

1. Front Yard - Each lot shall have a front yard with a depth of not less than forty (40) feet.
2. Side Yard - Each lot shall have two side yards. The minimum side yard shall not be less than ten (10) feet in depth. The portion of a side yard abutting a street line shall not be less than forty (40) feet in depth. Additionally, where the side of a building faces on a residential district, the screening and open space requirements of Subsection 21-47(m) of Chapter 21, Subdivision and Development, of the Code of Ordinances, as amended or its successors, shall apply.
3. Rear Yard - Each lot shall have a rear yard with a depth of not less than ten (10) feet. Additionally, where the rear of a building faces on a residential district, the screening and open space requirements of Subsection 21-47(l) of Chapter 21, Subdivision and Development, of the Code of Ordinances, as amended or its successors, shall apply.

ARTICLE VII

OFFICE/COMMERCIAL ("O/C") DISTRICT REGULATIONS

SECTION 1 USE REGULATIONS

In an Office/Commercial ("O/C") District, no land, building or other structure shall be used for any use other than the uses permitted in O/R Districts.

SECTION 2 YARD REGULATIONS

1. Front Yard - Each lot shall have a front yard with a depth of not less than forty (40) feet.
2. Side Yard - The minimum side yard shall not be less than ten (10) feet in depth. The portion of a side yard abutting a street line shall not be less than forty (40) feet in depth. Additionally, where the side of a building faces on a residential district, the screening and open space requirements of Subsection 21-47(m) of Chapter 21, Subdivision and Development, of the Code of Ordinances, as amended or its successors, shall apply.
3. Rear Yard - Each lot shall have a rear yard with a depth of not less than twelve (12) feet. Additionally, where the rear of a building faces on a residential district, the screening and open space requirements of Subsection 21-47(l) of Chapter 21, Subdivision and Development, of the Code of Ordinances, as amended or its successors, shall apply.

ARTICLE VIII

**LIGHT INDUSTRIAL/MANUFACTURING ("LIM")
DISTRICT REGULATIONS**

SECTION 1 USE REGULATIONS

In a Light Industrial/Manufacturing ("LIM") District, no land, building or structure shall be used for any use other than those permitted in O/C Districts, and:

1. Public parks, playgrounds, or neighborhood recreation centers owned and operated by the City of Richardson.
2. Legal manufacturing, research, wholesale, storage, and industrial plant operations, provided that this paragraph shall not be construed to permit airports, airplane motor ships or motor test blocks, acetylene gas manufacture or storage of gun powder, fireworks or other explosives, processing or storage of garbage, dead animals or refuse, stockyards, foundry, smelter, batching plant, junk yards, used auto parts or any other use which is obnoxious or offensive by reason of odor, dust, smoke, gas or noise. All outdoor equipment, machinery and storage shall be screened from sight when viewed from any public thoroughfare or adjoining land.

SECTION 2 YARD REGULATIONS

1. Front Yard - Each lot shall have a front yard with a depth of not less than twenty-five (25) feet.
2. Side Yard - Each lot shall have two side yards having a combined width of not less than fifteen (15) feet; provided no side yard shall be less than five (5) foot wide. The portion of a side yard abutting a street line shall not be less than twenty (20) feet wide. Additionally, where the side of a building faces on a residential district, the screening and open space requirements of Subsection 21-47(m) of Chapter 21, Subdivision and Development, of the Code of Ordinances, as amended or its successors, shall apply.
3. Rear Yard - Each lot shall have a rear yard with a depth of not less than fifteen (15) feet. Additionally, where the rear of a building faces on a residential district, the screening and open space requirements of Subsection 21-47(l) of Chapter 21, Subdivision and Development, of the Code of Ordinances, as amended or its successors, shall apply.

ARTICLE IX

SPECIAL PERMITS

SECTION 1 REQUIRED FOR LOCATION IN SPECIFIED DISTRICTS

The city council of the City of Richardson, Texas may after public hearing and proper notice to all parties affected, and after recommendation from the city plan commission containing such requirements and safeguards as are necessary to protect adjoining property, as well as the public health, safety, morals and general welfare, authorize the location of special permit uses in specified districts.

Every special use permit granted under the provisions of this article shall be considered as an amendment to the zoning ordinance as applicable to such property. In granting such permit, the city council may impose such conditions as may be necessary to promote and protect the public health, safety, order, morals, convenience, prosperity and general welfare. Said conditions shall be complied with by the grantee before certificate of occupancy may be issued.

SECTION 2 USE REGULATIONS

1. Apartments, in any District.
2. Auto laundries provided all equipment and activity is enclosed, in the O/C or LIM District.
3. Boarding kennels and veterinary hospitals in the R, O/R, O/C or LIM District, with special condition as listed below:

Veterinarian offices specializing in treatment of small animals (pets) with the following building and working conditions.

Such treatment be conducted entirely within the building.

Parking requirements shall be the same as required for medical, dental and professional offices.

Air-conditioning systems for all recovery and ward areas shall be separated from the reception areas, or the following shall be utilized in conjunction with a single air-conditioning system:

High-efficiency strainer--three (3) microns or above or

Ninety-five percent (95%) efficiency strainer --five (5) microns or above
or

Electrostatic precipitator or

Exhibit "A"

Ultraviolet radiation.

No boarding of animals other than that necessary for recovery from treatment or surgery shall be allowed in a veterinarian office.

When a kennel or veterinarian hospital or a veterinarian office is located within a building with other forms of business, an eight (8) inch masonry fire wall sealed to the roof deck or fire stop shall be provided to separate tenants in order to protect adjacent tenants against insects, sound transmission or noxious odors.

4. Bus terminal, in the O/C or LIM District.
5. Check cashing business, in the O/R or O/C District, subject to the supplemental regulations of Article XXII E of the Comprehensive Zoning Ordinance of the City of Richardson, as amended.
6. Commercial amusement enterprises such as circuses, carnivals, driving ranges, miniature golf courses, pony rides, miniature train rides, rodeos, water slides, go-cart tracks, giant slides, motorcycle tracks, skateboard tracks or arenas, and similar enterprises, in the R, O/R, O/C or LIM District.
7. Controlled substance paraphernalia shop for the sale of any instrument, device, article, or contrivance used, designed for use, or intended for use in ingesting, smoking, administering or preparing marijuana, hashish, hashish oil, cocaine or any other controlled substance, in the O/C District. For purposes of this ordinance "paraphernalia" shall be defined by the laws of the State of Texas.
8. Day nursery, in the R, O/R or O/C District.
9. Electronic-cigarette establishment, in the R, O/R or O/C District.
10. Fortune tellers, reader or spiritual advisors in the O/C District.
11. Heliport, helipads, or any helicopter landing area, in the R, O/R, O/C or LIM District.
12. Hospitals and ambulance dispatch stations, in the O/C and LIM District.
13. Hotel, in the R, O/R, O/C or LIM District.
14. Large scale retail store, in the R, O/R, O/C or LIM District.
15. Massage establishment, in the R, O/R, O/C or LIM District.
16. Motor vehicle sales/leasing, new in O/C or LIM District.
17. Motor vehicle sales/leasing, in the O/C and LIM District.

Exhibit "A"

18. Motor vehicle service station, in R, O/R, O/C or LIM District.
19. Movie theater, in the R, O/R, O/C or LIM District.
20. To permit paved parking lots to be used for the collection of recyclable materials utilizing a portable container or portable device for collection of said materials, in the R, O/R, O/C or LIM District. The design, use and location of said containers are to be specified and approved at the time of issuance of the special permit.

Any collection center within a paved parking lot shall not utilize nor encumber more than ten percent (10%) of said parking lot, nor shall collection center obstruct or interfere with any fire lane, fire hydrant, access easement or any area necessary for proper traffic circulation.

Any collection center shall set back from all dedicated street right-of-ways a distance of not less than forty (40) feet.

Any structure or electrical devices shall be subject to all provisions of the Codes and shall obtain all other required permits prior to operation.

21. Pawnshop or "hock shop" where loans are made on the security of personal property and where such property, goods or merchandise are redeemed or sold, in the O/C District, subject to a permit.
22. An establishment whose major income is derived from operating a penny arcade, amusement center, or game room, where billiard machines, shooting gallery, marble machine, marble table, marble shooting machine, miniature racetrack machine, miniature football machine, miniature golf machine, miniature bowling machine, air hockey game, foosball table, pin-ball machine, or similar device, is operated by a coin or token or for an admission charge or fee, which dispenses or affords skill or pleasure, in the R, O/R, O/C or LIM District.
23. Restaurants with drive-through and/or curbside service, in the R, O/R, O/C or LIM District.
24. Smoking establishment, in any R, O/R or O/C District.
25. Storage – mini-warehouse storage, in the R, O/R, O/C or LIM District.
26. Temporary open air market in any R, O/R, O/C or LIM District, subject to Article VIII, Chapter 12 of Code of Ordinances of the City of Richardson, as amended.

SECTION 3 SPECIAL PERMIT REGULATIONS

1. Any use requiring approval of a special permit shall be in conformance with Article XXII-A Special Permits, Sec. 3 through Sec. 9 of the Comprehensive Zoning Ordinance of the City of Richardson, Texas, as amended.

ARTICLE X

OFF-STREET PARKING

SECTION 1 PARKING REGULATIONS

1. Off-street parking shall be provided for the appropriate building use classification, and determined by the gross floor area or other measures as provided below:
 - a. Bank and savings and loan associations: (1/300 s.f.) one (1) space for each three hundred (300) square feet of gross floor area.
 - b. Bowling alleys: (5/1 alley) five (5) spaces for each alley.
 - c. Bus terminal: (1/5 employees) one (1) space for each five (5) employees plus one (1) space for each one thousand (1,000) square feet of gross floor area.
 - d. Business office: (1/333 s.f.) one (1) space for each three hundred thirty-three (333) square feet of gross floor area.
 - e. Furniture store: (1/1000 s.f.) one (1) space for each thousand (1,000) square feet of gross floor area.
 - f. General retail: (1/200 s.f.) one (1) space for each two hundred (200) square feet of gross floor area.
 - g. Hospitals and ambulance dispatch stations: (1/5 employees) one (1) space for each five (5) employees plus one (1) space for each three (3) beds.
 - h. Hotel: (5/4 rooms) five (5) spaces for each four (4) rooms available for rent.
 - i. Manufacturing, research, industrial and processing establishments, repair shops, warehouses, storage buildings and lumber and supply yards: (1/4 employees) one (1) space for each four (4) employees. The maximum number of employees on duty at any time, day or night shall be the basis for determining parking requirements for any establishment. Where the number of employees is indeterminable, off-street parking space: (1/1,000 s.f.) one (1) space for each one thousand (1,000) square feet of gross floor area.
 - j. Medical or dental clinics: (1/200 s.f.) one (1) space for each two hundred (200) square feet of gross floor area.
 - k. Mortgage companies: (1/333 s.f.) one (1) space for each three hundred thirty-three (333) square feet of gross floor area.
 - l. Motion picture theaters, auditoriums and concert halls: (1/4 seats) one (1) space for each four (4) seats based on maximum occupancy.

Exhibit "A"

- m. Motor vehicle sales/leasing, new and/or used: (1/350 s.f.) one (1) space for each three hundred and fifty (350) of repair shop facilities and (1/300 s.f.) one space (1) for each three hundred (300) square feet of showroom space, in addition to parking spaces provided for the display and storage of new and used motor vehicles.
- n. Multiple Use Shopping Center: up to 10,000 square feet of gross building area: (1/333 sq. ft.) one space for each three hundred and thirty-three square feet of gross floor area. Over 10,000 square feet of gross building area: 30 spaces for the 1st 10,000 square feet of gross floor area, plus (1/200 sq. ft.) one space for each two hundred square feet of the remaining gross floor area. Ten percent (10%) reduction in required parking for buildings over 100,000 square feet of gross building area.

All uses within the multiple use shopping center shall be calculated at the applicable standard. Any single-tenant, free-standing building shall provide their required parking for that use.

- o. Residences: Each single family detached and attached dwelling unit shall have a minimum of two (2) off-street parking spaces. All other dwellings shall have a minimum off-street parking equal to one (1) parking space for every five hundred (500) feet, or fraction thereof, of the aggregate gross floor area for all dwelling units on the lot; provided, no lot is required to have more than two (2) off-street parking spaces for each dwelling unit located thereon.

No parking area or vehicle storage space shall be used for the storage or parking of any truck, truck trailer or van, house trailer, except one panel or pickup truck, not exceeding one (1) ton capacity may be kept on the premises if used in connection with maintenance and management of the apartment project.

- p. Restaurants (with or without drive-through and/or curb service): (1/100 s.f.) one (1) space for each one hundred (100) square feet of gross floor area.
2. Parking for all uses deemed not to be included above shall be (1/333 s.f.) one (1) space for each three hundred thirty-three (333) square feet of gross floor area.
 3. No more than twenty-five percent (25%) of all required parking space, in any district and for any use, may be compact car spaces.
 4. Head-in parking, wherein the maneuvering is done on a street or private road, shall not be classified as off-street parking in computing the parking requirements for any use.
 5. Loading: Occupied buildings with a gross floor area of more than twenty thousand (20,000) square feet and used primarily for retail, office, commercial, light industrial or manufacturing uses, shall provide an off-street area for the loading and unloading of merchandise or goods that is screened from view of public streets. A service access drive shall provide access to the loading area. Trucks and buses servicing, for commercial purposes, occupied buildings shall park only in designated loading and unloading areas.

ARTICLE XI

NON-CONFORMING USES

SECTION 1 DEFINITION

All existing legal and valid non-conforming uses and structures at the time of adoption of this ordinance on March 26, 2018, shall comply with Article XXII. Nonconforming Uses of the Comprehensive Zoning Ordinance of the City of Richardson, Texas, as amended.

Exhibit "A"

ARTICLE XII

AMENDMENTS

SECTION 1 AMENDMENTS TO ORDINANCE

All subsequent amendments to this ordinance shall be in conformance with Article XXIX. Changes and Amendments, of the Comprehensive Zoning Ordinance of the City of Richardson, Texas, as amended.

ARTICLE XIII

PENALLTY

SECTION 1 PENALTY FOR VIOLATION

Any person or corporation violating any of the provisions of this ordinance, shall upon conviction, be fined an amount not to exceed the maximum established by state law, and each and every day that the provisions of this ordinance are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district, where such property owner may be affected or invaded, by a violation of the terms of the ordinance, to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in that protection of the rights of such property owners.

ORDINANCE NO. 4246

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS, APPROVING A TARIFF AUTHORIZING AN ANNUAL RATE REVIEW MECHANISM (“RRM”) AS A SUBSTITUTION FOR THE ANNUAL INTERIM RATE ADJUSTMENT PROCESS DEFINED BY SECTION 104.301 OF THE TEXAS UTILITIES CODE, AND AS NEGOTIATED BETWEEN ATMOS ENERGY CORP., MID-TEX DIVISION (“ATMOS MID-TEX” OR “COMPANY”) AND THE STEERING COMMITTEE OF CITIES SERVED BY ATMOS; REQUIRING THE COMPANY TO REIMBURSE CITIES’ REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE OPEN MEETINGS ACT; REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE.; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Richardson, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

WHEREAS, the City and similarly-situated Mid-Tex municipalities created the Steering Committee of Cities Served by Atmos to efficiently address all rate and service matters associated with delivery of natural gas; and

WHEREAS, the Steering Committee formed an Executive Committee to direct legal counsel and to recommend certain specific actions to all aligned Mid-Tex Cities through resolution or ordinance; and

WHEREAS, pursuant to the terms of a November 2007 agreement between the Steering Committee and Atmos Mid-Tex that settled the Company’s interim rate filing under Section 104.301 of the Texas Utilities Code (a “GRIP” rate case), the Steering Committee and the Company collaboratively developed a Rate Review Mechanism (“RRM”) Tariff, ultimately authorized by the City in 2008, that allows for an expedited rate review process as a substitute for the GRIP process; and

WHEREAS, the City has kept some form of a RRM Tariff in place until 2017 when it adopted an ordinance approving an RRM Tariff filing settlement and specifically calling for termination of the existing RRM Tariff and negotiation of a replacement RRM Tariff following the Railroad Commission’s decision in a then-pending Atmos Texas Pipeline case (GUD No. 10580); and

WHEREAS, the Steering Committee’s Executive Committee has recently approved a settlement with the Company on the attached RRM Tariff that contains certain notable improvements, from a consumer perspective, over the prior RRM Tariff, including a reduced rate of return on equity, acceptance of certain expense adjustments made by the Railroad

Commission in the Order in GUD No. 10580, and the addition of two months to the time for processing a RRM Tariff application; and

WHEREAS, the RRM Tariff contemplates reimbursement of Cities' reasonable expenses associated with RRM Tariff applications; and

WHEREAS, the Steering Committee's Executive Committee recommends that all Steering Committee member cities adopt this ordinance and the attached RRM Tariff; and

WHEREAS, the attached RRM Tariff is just, reasonable and in the public interest;

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

SECTION 1. That the findings set forth in this Ordinance are hereby in all things approved.

SECTION 2. That the attached RRM Tariff re-establishing a form of Rate Review Mechanism is just and reasonable and in the public interest, and is hereby adopted.

SECTION 3. That Atmos Mid-Tex shall reimburse the Cities' reasonable expenses associated with adoption of this Ordinance and the attached RRM Tariff and in processing future RRM Tariff applications filed pursuant to the attached tariff.

SECTION 4. That a copy of this Ordinance shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs, Atmos Energy Corporation, Mid-Tex Division, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to Mid-Tex Cities, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

SECTION 5. That all provisions of the ordinances of the City of Richardson in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Richardson not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 6. That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of this Ordinance as a whole.

DULY PASSED by the City Council of the City of Richardson, Texas, on this the 26th day of March, 2018.

APPROVED:

MAYOR

CORRECTLY ENROLLED:

CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY
(PGS:2-26-18:TM 96478)

ATMOS ENERGY CORPORATION

**ATMOS ENERGY CORPORATION
MID-TEX DIVISION**

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL CITIES IN THE MID-TEX DIVISION AS IDENTIFIED IN EXHIBIT A TO THIS RATE SCHEDULE	
EFFECTIVE DATE:	Bills Rendered on and after 04/01/2018	PAGE: 1

I. Applicability

Applicable to Residential, Commercial, Industrial, and Transportation tariff customers within the city limits of cities identified in Exhibit A that receive service from the Mid-Tex Division of Atmos Energy Corporation (“Company”). This Rate Review Mechanism (“RRM”) provides for an annual adjustment to the Company’s Rate Schedules R, C, I and T (“Applicable Rate Schedules”). Rate calculations and adjustments required by this tariff shall be determined on a System-Wide cost basis.

II. Definitions

“Test Period” is defined as the twelve months ending December 31 of each preceding calendar year.

The “Effective Date” is the date that adjustments required by this tariff are applied to customer bills. The annual Effective Date is October 1.

Unless otherwise provided in this tariff the term Final Order refers to the final order issued by the Railroad Commission of Texas in GUD No. 10170 and elements of GUD No. 10580 as specified in Section III below.

The term “System-Wide” means all incorporated and unincorporated areas served by the Company.

“Review Period” is defined as the period from the Filing Date until the Effective Date.

The “Filing Date” is as early as practicable, but no later than April 1 of each year.

III. Calculation

The RRM shall calculate an annual, System-Wide cost of service (“COS”) that will be used to adjust applicable rate schedules prospectively as of the Effective Date. The Company may request recovery of its total cost of service but will include schedules showing the computation of any adjustments. The annual cost of service will be calculated according to the following formula:

$$\text{COS} = \text{OM} + \text{DEP} + \text{RI} + \text{TAX} + \text{CD}$$

Where:

OM = all reasonable and necessary operation and maintenance expenses from the Test Period adjusted for known and measurable items and prepared

**ATMOS ENERGY
CORPORATION**

**ATMOS ENERGY CORPORATION
MID-TEX DIVISION**

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consistent with the rate making treatments approved in the Final Order. Incentive compensation (Management Incentive Plan, Variable Pay Plan and Long Term Incentive Plan) related to Atmos' Shared Services Unit will be applied consistent with treatment approved in GUD 10580. Additionally, O&M adjustments will be incorporated and applied as modified by a final order, not subject to appeal, issued by the Railroad Commission of Texas in subsequent rate cases involving the Atmos Mid-Tex or West Texas divisions. Known and measurable adjustments shall be limited to those changes that have occurred prior to the Filing Date. OM may be adjusted for atypical and non-recurring items. Shared Services allocation factors shall be recalculated each year based on the latest component factors used during the Test Period, but the methodology used will be that approved in the Final Order in GUD 10580.

DEP = depreciation expense calculated at depreciation rates approved by the Final Order. Additionally, if depreciation rates are approved in a subsequent final order, not subject to appeal, issued by the Railroad Commission of Texas for the Mid-Tex division those rates would be applicable for subsequent RRM filings.

RI = return on prudently incurred investment calculated as the Company's pretax return multiplied by rate base at Test Period end. Rate base is prepared consistent with the rate making treatments approved in the Final Order, and as in GUD 10580 as specifically related to capitalized incentive compensation (Management Incentive Plan, Variable Pay Plan and Long Term Incentive Plan) for Atmos' Shared Services Unit. However, no post Test Period adjustments will be permitted. Additionally, adjustments will be incorporated and applied as modified by a final order, not subject to appeal, issued by the Railroad Commission of Texas in subsequent rate cases involving the Atmos Mid-Tex or West Texas divisions. Pretax return is the Company's weighted average cost of capital before income taxes. The Company's weighted average cost of capital is calculated using the methodology from the Final Order including the Company's actual capital structure and long term cost of debt as of the Test Period end (adjusted for any known and measurable changes that have occurred prior to the filing date) and the return on equity of 9.8%. However, in no event will the percentage of equity exceed 58%. Regulatory adjustments due to prior regulatory rate base adjustment disallowances will be maintained. Cash working capital will be calculated using the lead/lag days approved in the Final Order. With respect to pension and other postemployment benefits, the Company will record a regulatory asset or liability for these costs until the amounts are included in the next annual rate adjustment implemented under this tariff. Each year, the Company's filing under this Rider RRM will clearly state the level of pension

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and other postemployment benefits recovered in rates.

TAX = income tax and taxes other than income tax from the Test Period adjusted for known and measurable changes occurring after the Test Period and before the Filing Date, and prepared consistent with the rate making treatments approved in the Final Order. Atmos Energy shall comprehensively account for, including establishing a regulatory liability to account for, any statutory change in tax expense that is applicable to months during the Test Period in the calculation to ensure recovery of tax expense under new and old income tax rates.

CD = interest on customer deposits.

IV. Annual Rate Adjustment

The Company shall provide schedules and work papers supporting the Filing's revenue deficiency/sufficiency calculations using the methodology accepted in the Final Order. The result shall be reflected in the proposed new rates to be established for the effective period. The Revenue Requirement will be apportioned to customer classes in the same manner that Company's Revenue Requirement was apportioned in the Final Order. For the Residential Class, 50% of the increase may be recovered in the customer charge. However, the increase to the Residential customer charge shall not exceed \$0.60 per month in the initial filing and \$0.70 per month in any subsequent year. The remainder of the Residential Class increase not collected in the customer charge will be recovered in the usage charge. For all other classes, the change in rates will be apportioned between the customer charge and the usage charge, consistent with the Final Order. Test Period billing determinants shall be adjusted and normalized according to the methodology utilized in the Final Order.

V. Filing

The Company shall file schedules annually with the regulatory authority having original jurisdiction over the Company's rates on or before the Filing Date that support the proposed rate adjustments. The schedules shall be in the same general format as the cost of service model and relied-upon files upon which the Final Order was based. A proof of rates and a copy of current and proposed tariffs shall also be included with the filing. The filing shall be made in electronic form where practical. The Company's filing shall conform to Minimum Filing Requirements (to be agreed upon by the parties), which will contain a minimum amount of information that will assist the regulatory authority in its review and analysis of the filing. The Company and regulatory authority will endeavor to hold a technical conference regarding the filing within twenty (20) calendar days after the Filing Date.

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A sworn statement shall be filed by an Officer of the Company affirming that the filed schedules are in compliance with the provisions of this Rate Review Mechanism and are true and correct to the best of his/her knowledge, information, and belief. No testimony shall be filed, but a brief narrative explanation shall be provided of any changes to corporate structure, accounting methodologies, allocation of common costs, or atypical or non- recurring items included in the filing.

VI. Evaluation Procedures

The regulatory authority having original jurisdiction over the Company's rates shall review and render a decision on the Company's proposed rate adjustment prior to the Effective Date. The Company shall provide all supplemental information requested to ensure an opportunity for adequate review by the relevant regulatory authority. The Company shall not unilaterally impose any limits upon the provision of supplemental information and such information shall be provided within seven (7) working days of the original request. The regulatory authority may propose any adjustments it determines to be required to bring the proposed rate adjustment into compliance with the provisions of this tariff.

The regulatory authority may disallow any net plant investment that is not shown to be prudently incurred. Approval by the regulatory authority of net plant investment pursuant to the provisions of this tariff shall constitute a finding that such net plant investment was prudently incurred. Such finding of prudence shall not be subject to further review in a subsequent RRM or Statement of Intent filing.

During the Review Period, the Company and the regulatory authority will work collaboratively and seek agreement on the level of rate adjustments. If, at the end of the Review Period, the Company and the regulatory authority have not reached agreement, the regulatory authority shall take action to modify or deny the proposed rate adjustments. The Company shall have the right to appeal the regulatory authority's action to the Railroad Commission of Texas. Upon the filing of an appeal of the regulatory authority's order relating to an annual RRM filing with the Railroad Commission of Texas, the regulatory authority having original jurisdiction over the Company's rates shall not oppose the implementation of the Company's proposed rates subject to refund, nor will the regulatory authority advocate for the imposition of a third party surety bond by the Company. Any refund shall be limited to and determined based on the resolution of the disputed adjustment(s) in a final, non-appealable order issued in the appeal filed by the Company at the Railroad Commission of Texas.

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In the event that the regulatory authority and Company agree to a rate adjustment(s) that is different from the adjustment(s) requested in the Company's filing, the Company shall file compliance tariffs consistent with the agreement. No action on the part of the regulatory authority shall be required to allow the rate adjustment(s) to become effective on October 1. To the extent that the regulatory authority does not take action on the Company's RRM filing by September 30, the rates proposed in the Company's filing shall be deemed approved effective October 1. Notwithstanding the preceding sentence, a regulatory authority may choose to take affirmative action to approve a rate adjustment under this tariff. In those instances where such approval cannot reasonably occur by September 30, the rates finally approved by the regulatory authority shall be deemed effective as of October 1.

To defray the cost, if any, of regulatory authorities conducting a review of the Company's annual RRM filing, the Company shall reimburse the regulatory authorities on a monthly basis for their reasonable expenses incurred upon submission of invoices for such review. Any reimbursement contemplated hereunder shall be deemed a reasonable and necessary operating expense of the Company in the year in which the reimbursement is made. A regulatory authority seeking reimbursement under this provision shall submit its request for reimbursement to the Company no later than December 1 of the year in which the RRM filing is made and the Company shall reimburse regulatory authorities in accordance with this provision on or before December 31 of the year the RRM filing is made.

To the extent possible, the provisions of the Final Order shall be applied by the regulatory authority in determining whether to approve or disapprove of Company's proposed rate adjustment.

This Rider RRM does not limit the legal rights and duties of a regulatory authority. Nothing herein shall abrogate the jurisdiction of the regulatory authority to initiate a rate proceeding at any time to review whether rates charged are just and reasonable. Similarly, the Company retains its right to utilize the provisions of Texas Utilities Code, Chapter 104, Subchapter C to request a change in rates. The provisions of this Rider RRM are implemented in harmony with the Gas Utility Regulatory Act (Texas Utilities Code, Chapters 101-105).

The annual rate adjustment process set forth in this tariff shall remain in effect during the pendency of any Statement of Intent rate filing.

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VII. Reconsideration, Appeal and Unresolved Items

Orders issued pursuant to this mechanism are ratemaking orders and shall be subject to appeal under Sections 102.001(b) and 103.021, et seq., of the Texas Utilities Code (Vernon 2007).

VIII. Notice

Notice of each annual RRM filing shall be provided by including the notice, in conspicuous form, in the bill of each directly affected customer no later than forty-five (45) days after the Company makes its annual filing pursuant to this tariff. The notice to customers shall include the following information:

- a) a description of the proposed revision of rates and schedules;
- b) the effect the proposed revision of rates is expected to have on the rates applicable to each customer class and on an average bill for each affected customer;
- c) the service area or areas in which the proposed rates would apply;
- d) the date the annual RRM filing was made with the regulatory authority; and
- e) the Company's address, telephone number and website where information concerning the proposed rate adjustment can be obtained.

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Exhibit A

ACSC Cities

Abilene	Cleburne	Frost	Lincoln Park
Addison	Clyde	Gainesville	Little Elm
Albany	College Station	Garland	Lorena
Allen	Colleyville	Garrett	Madisonville
Alvarado	Colorado City	Grand Prairie	Malakoff
Angus	Comanche	Grapevine	Mansfield
Anna	Commerce	Groesbeck	Mckinney
Argyle	Coolidge	Gunter	Melissa
Arlington	Coppell	Haltom City	Mesquite
Aubrey	Copperas Cove	Harker Heights	Midlothian
Azle	Corinth	Haskell	Murphy
Bedford	Crandall	Haslet	Newark
Bellmead	Crowley	Hewitt	Nocona
Benbrook	Dalworthington	Highland Park	North Richland Hills
Beverly Hills	Denison	Highland Village	Northlake
Blossom	Denton	Honey Grove	Oak Leaf
Blue Ridge	Desoto	Hurst	Ovilla
Bowie	Draper	Hutto	Palestine
Boyd	Duncanville	Iowa Park	Pantego
Bridgeport	Eastland	Irving	Paris
Brownwood	Edgecliff Village	Justin	Parker
Buffalo	Emory	Kaufman	Pecan Hill
Burkburnett	Ennis	Keene	Petrolia
Burleson	Eules	Keller	Plano
Caddo Mills	Everman	Kemp	Ponder
Canton	Fairview	Kennedale	Pottsboro
Carrollton	Farmers Branch	Kerens	Prosper
Cedar Hill	Farmersville	Kerrville	Quitman
Celeste	Fate	Killeen	Red Oak
Celina	Flower Mound	Krum	Reno (Parker)
Centerville	Forest Hill	Lake Worth	Rhome
Cisco	Forney	Lakeside	Richardson
Clarksville	Fort Worth	Lancaster	Richland
	Frisco	Lewisville	Richland Hills

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River Oaks	Temple
Roanoke	Terrell
Robinson	The Colony
Rockwall	Trophy Club
Roscoe	Tyler
Rowlett	University Park
Royse City	Venus
Sachse	Vernon
Saginaw	Waco
Sansom Park	Watauga
Seagoville	Waxahachie
Sherman	Westlake
Snyder	Westover Hills
Southlake	Westworth Village
Springtown	White Settlement
Stamford	Whitesboro
Stephenville	Wichita Falls
Sulphur Springs	Woodway
Sweetwater	Wylie



MEMO

DATE: March 19, 2018
TO: Keith Dagen – Director of Finance
FROM: Todd Gastorf – Purchasing Manager *TJG*
SUBJECT: Award of Bid #32-18 for an Annual Requirements Contract for Installing Irrigation Systems to AND, Inc. pursuant to unit prices

Proposed Date of Award: March 26, 2018

I concur with the recommendation of Lori Smeby – Director of Parks and Recreation, and request permission to issue an annual requirements contract for installing irrigation systems to AND, Inc., pursuant to the attached unit prices. This contract includes labor and material unit prices for new installations and repairs. AND, Inc., the lowest responsible bidder, has provided good service as the City's current contract vendor.

The initial term of the contract is for one (1) year with options to renew for up to four (4) additional one-year periods, if exercised and mutually agreed upon by both parties. The award of this contract allows the city to utilize irrigation system installation and repair services as the requirements and needs of the city arise on an annual basis and during any subsequent renewal period(s). Since the city is not obligated to pay for a minimum or maximum amount of goods or services, payment will be rendered pursuant to the unit prices specified.

City staff estimates annual expenditures to be approximately \$100,000 and funding is provided in account 011-3061-541-3399.

The bid was advertised in *The Dallas Morning News* on February 14 & 21, 2018 and posted on BidSync. A total of 5,494 electronic solicitations were distributed and thirty-seven (37) vendors viewed the bid. A pre-bid conference was held on February 22, 2018 and one (1) bid was received.

Concur:


Keith Dagen

ATTACHMENTS




MEMO

TO: Todd Gastorf, Purchasing Manager
FROM: Lori Smeby, Director of Parks & Recreation
DATE: 03/13/2018
SUBJECT: Award of Bid #32-18 for Installing Irrigation Systems

The Parks and Recreation Department recommends awarding an annual requirements contract for installation of irrigation systems to AND, Inc., who was the lowest bidder. AND, Inc. is our current vendor and we are confident that they are able to meet the specifications in the contract without any issues.

We estimate spending approximately \$100,000 annually for this contract. Funding will come primarily from 011-3061-541-3399 and other PARD accounts as needed.



Lori Smeby
Director of Parks & Recreation
City of Richardson

BID NUMBER: 32-18
 DATE OPENED: MARCH 7, 2018

BID TABULATION
 ANNUAL REQUIREMENTS CONTRACT
 INSTALL IRRIGATION SYSTEMS

ITEM NO.	DESCRIPTION	EST. QTY.	UNIT	AND, INC.		UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
				UNIT PRICE	AMOUNT				
1	Labor only to install Toro 640	20	EA	47.00	\$	940.00			
2	Labor only to install Hunter PGP series head	50	EA	35.25	\$	1,762.50			
3	Labor only to install head - Toro 570 Z	98	EA	23.50	\$	2,303.00			
4	Labor only to install shrub head w/ riser - Toro	20	EA	23.50	\$	470.00			
5	Labor only to install Hunter I-20 rotor head	50	EA	29.00	\$	1,450.00			
6	Labor only to install 1/2 GPM bubbler head with schedule 80 gray risers	25	EA	23.50	\$	587.50			
7	Labor only to install hunter I-25 rotor head	25	EA	47.00	\$	1,175.00			
8	Labor only to install 1" threaded electric valve	20	EA	47.00	\$	940.00			
9	Labor only to install 1 1/2" threaded electric valve	20	EA	47.00	\$	940.00			
10	Labor only to install 2" threaded electric valve	20	EA	47.00	\$	940.00			
11	Labor only to install 1" double check	10	EA	94.00	\$	940.00			
12	Labor only to install 1-1/2" double check	5	EA	141.00	\$	705.00			
13	Labor only to install 2" double check	5	EA	141.00	\$	705.00			
14	Labor only to install 3" double check	2	EA	1382.00	\$	2,764.00			
15	Labor only to install 4" double check	2	EA	1658.00	\$	3,316.00			
16	Labor only to install 1" Y-strainer with Gate valve	5	EA	94.00	\$	470.00			
17	Labor only to install 1-1/2" Y-strainer with Gate valve	5	EA	141.00	\$	705.00			
18	Labor only to install 2" Y-strainer with Gate valve	5	EA	188.00	\$	940.00			
19	Labor only to install 3" Y-strainer with Gate valve	2	EA	419.00	\$	838.00			
20	Labor only to install 4" Y-strainer with Gate valve	2	EA	588.00	\$	1,176.00			
21	Labor only to install MIR 5000 ACE	4	EA	1067.00	\$	4,268.00			
22	Labor only to install MIR 500 irrinet M controller	4	EA	644.00	\$	2,576.00			
23	Labor only to install Rainbird UNIK controller	10	EA	165.00	\$	1,650.00			
24	Labor only to install IBOC controller	2	EA	550.00	\$	1,100.00			
25	Labor only to install per 100 liner ft. 1/2" PVC pipe	20	EA	43.00	\$	860.00			
26	Labor only to install per 100 linear ft. 3/4" PVC pipe	10	EA	44.50	\$	445.00			
27	Labor only to install per 100 liner ft. 1" PVC pipe	12	EA	46.75	\$	561.00			
28	Labor only to install per 100 liner ft. 1-1/2" PVC pipe	4	EA	54.50	\$	218.00			
29	Labor only to install per 100 linear ft. 2" PVC pipe	3	EA	66.50	\$	199.50			
30	Labor only to install per 100 linear ft. 2-1/2" PVC pipe	3	EA	81.50	\$	244.50			
31	Labor only to install per 100 linear ft. 3" PVC pipe	1	EA	105.00	\$	105.00			
32	Labor only to install per 100 linear ft. 4" PVC pipe	1	EA	204.00	\$	204.00			
33	Labor only to install per 100 linear ft. 6" PVC pipe	1	EA	394.00	\$	394.00			
34	Labor only to install 14 guage wire per 100 linear ft.	150	EA	10.50	\$	1,575.00			
35	Labor only per foot to trench 1' deep	25	EA	0.85	\$	21.25			

BID NUMBER: 32-18
 DATE OPENED: MARCH 7, 2018

BID TABULATION
 ANNUAL REQUIREMENTS CONTRACT
 INSTALL IRRIGATION SYSTEMS

ITEM NO.	DESCRIPTION	EST. QTY.	UNIT	AND, INC.		UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
				UNIT PRICE	AMOUNT				
36	Labor only per foot to trench 18" deep	2970	EA	1.50	\$ 4,455.00				
37	Labor only per foot to trench 24" deep	50	EA	2.00	\$ 100.00				
38	Labor only to install 2" threaded Arad Valve	5	EA	250.00	\$ 1,250.00				
39	Labor only to install 3" threaded Arad Valve	1	EA	350.00	\$ 350.00				
40	Labor only to install 4" threaded Arad Valve	1	EA	450.00	\$ 450.00				
41	Price per LF for rock trenching.	200	LF	4.50	\$ 900.00				
42	Percentage mark up for miscellaneous parts	1	PCT	0.25	25.00%				
43	Hourly labor rate to make irrigation repairs	1	HR	90.00	\$ 90.00				
44	Hourly rate to trouble shoot or consult	10	HR	90.00	\$ 900.00				
45	Hourly rate to perform water audits on various size irrigation zones	10	HR	90.00	\$ 900.00				
46	Cost to inspect Back flow device and provide report	8	HR	110.00	\$ 880.00				
47	Material & labor to install 1" zone using 12" 570 Z heads	10	EA	675.00	\$ 6,750.00				
48	Material & labor to install 1-1/2" zone using 12" 570 Z heads	10	EA	1516.00	\$ 15,160.00				
49	Material & labor to install 2" zone using 12" 570 Z heads	10	EA	2680.00	\$ 26,800.00				
50	Material & labor to install 1-1/2" zone using Hunter PGP heads	10	EA	1319.00	\$ 13,190.00				
51	Material & labor to install 2" zone using Hunter PGP heads	10	EA	2499.00	\$ 24,990.00				
52	Material & labor to install 1-1/2" zone using Hunter I-20 heads	10	EA	1405.00	\$ 14,050.00				
53	Material & labor to install 2" zone using Hunter I-20 heads	10	EA	2572.00	\$ 25,720.00				
54	Material & labor to install 1-1/2" zone using Hunter I-25 heads	10	EA	1153.00	\$ 11,530.00				
55	Material & labor to install 2" zone using Hunter I-25 heads	10	EA	1936.00	\$ 19,360.00				
56	Material & labor to install 1" zone using 6" gray nipples with 1/2 GPM Rain bird bubbler nozzles, not to exceed 20 GPM	10	EA	630.00	\$ 6,300.00				

BID NUMBER: 32-18
 DATE OPENED: MARCH 7, 2018

BID TABULATION
 ANNUAL REQUIREMENTS CONTRACT
 INSTALL IRRIGATION SYSTEMS

ITEM NO.	DESCRIPTION	EST. QTY.	UNIT	AND, INC.		UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
				UNIT PRICE	AMOUNT				
57	Material & labor to install 1-1/2" zone using 6" gray nipples with 1/2 GPM Rain bird bubbler nozzles, not to exceed 45 GPM	10	EA	1072.00	\$ 10,720.00				
58	Material & labor to install 2" zone using 6" gray nipples with 1/2 GPM Rain bird bubbler nozzles not to exceed 85 GPM	10	EA	2140.00	\$ 21,400.00				
59	Material & labor to install 1" zone using 4" 570 Z heads - zone not to exceed 20 GPM	10	EA	600.00	\$ 6,000.00				
60	Material & labor to install 1-1/2" zone using 4" 570 Z heads - zone not to exceed 20 GPM	10	EA	1072.00	\$ 10,720.00				
61	Material & labor to install 2" zone using 4" 570 Z heads - zone not to exceed 20 GPM	10	EA	2140.00	\$ 21,400.00				
62	Traffic Control - price per day	15	DAY	375.00	\$ 5,625.00				
63	Mobilization price for two (2) zones or less	20	EA	450.00	\$ 9,000.00				
TOTAL GROSS PRICE					\$ 297,478.25				



MEMO

DATE: March 21, 2018

TO: Keith Dagen – Director of Finance

FROM: Todd Gastorf – Purchasing Manager *TG*

SUBJECT: Award of Bid #43-18 for the cooperative purchase of various vehicles for the Health Department (\$25,932.90), Parks Department (\$114,990.35), Police Department (\$127,651), and Public Services Department (\$51,105.80) for a total expenditure of \$319,680.05 to Sam Pack's Five Star Ford through the State of Texas Contracts #071-A1 & #072-A1

Proposed Date of Award: March 26, 2018

I concur with the recommendations of Ernest Ramos – Fleet and Materials Manager, Dennis Wooten – Assistant Director of Health, Lori Smeby – Director of Parks and Recreation, Jimmy Spivey – Chief of Police, and Hunter Stephens – Assistant Director of Public Services through Brad Due – Utility Systems Superintendent, and request permission to issue a purchase order to Sam Pack's Five Star Ford in the amount of \$319,680.05, as per the attached quotes.

ITEM	FUND	AMOUNT
¾ ton cab/chassis – Health	238-4513-581-7421, AN1802	\$ 25,932.90
¾ ton pick-up truck – Parks	238-3061-581-7421, PM1845	31,526.05
¾ ton pick-up truck – Parks	238-3061-581-7421, PM1847	31,526.05
¾ ton pick-up truck – Parks	238-3061-581-7421, PM1848	31,526.05
Compact SUV – Parks	238-3061-581-7421, PM1849	20,412.20
PPV SUV – Police Department	238-1011-581-7421, PD1805	26,663.00
PPV SUV – Police Department	238-1011-581-7421, PD1807	26,663.00
PPV SUV – Police Department	238-1011-581-7421, PD1810	26,663.00
PPV Sedan – Police Department	238-1011-581-7421, PD1806	23,831.00
PPV Sedan – Police Department	238-1011-581-7421, PD1808	23,831.00
Crewcab Truck – Public Services	511-5220-503-7421	26,452.20
Extended Cab Truck – Public Services	511-5610-503-7421	24,653.60
Total Award		\$ 319,680.05

The above referenced equipment has been bid through the State of Texas Procurement and Support Services Contracts #071-A1 and #072-A1. The City of Richardson participates in the State Cooperative Purchasing Program through its existing interlocal agreement for cooperative purchasing pursuant to Texas Government Code Chapter 791.025 and Texas Local Government Code Chapter 271.102. This agreement automatically renews annually unless either party gives prior notice of termination.

Concur:

A handwritten signature in blue ink that reads "Keith Dagen". The signature is written in a cursive style with a long horizontal stroke at the end.

Keith Dagen

ATTACHMENTS



MEMO

DATE: March 15, 2018
TO: Todd Gastorf, Purchasing Manager
FROM: Ernie Ramos, Fleet & Materials Manager *ER*
RE: Capital Equipment Purchases, Various Vehicles via State Contract # 071-A1, 072-A1, Expires 10/31/2018.

I have reviewed the existing contract referenced above and recommend purchasing various units totaling \$319,680.05. I have received and approved the quote with options listed from Five Star Ford.

The funding for the purchase is funded from the following account listed in the below. The contact at Five Star Ford is Mr. Alan Rosner, and he can be reached at (888) 835-3389, or E-mail: alans@spford.com, or Fax: (972) 245-5278. Please order the vehicles as specified in the attached quotes.

Project # PD1805, PD1807 & PD1810, 238-1011-581-7421, 3 @ \$26,663 = \$79,989. Three (3) PPV SUV's for CID, various colors.

Project # PD1806 & PD1808, 238-1011-581-7421, 2 @ \$23,831 = \$47,662
Two (2) PPV Sedans for CID, various colors.

Project #AN1802, 238-4513-581-7421, 1 @ 25,932.90, ¾-ton Cab/Chassis.

Project # PM1845, PM1847 & PM1848, 238-3061-581-7421, 3 @ \$31,526.05 = \$94,578.15, Three ¾-ton Pickup Trucks

Project # PM1849, 238-3061-581-7421, 1 @ \$20,412.20, One (1) Compact SUV

Water Fund, 511-5220-503-7421, 1 @ \$26,452.20, One (1) Crewcab Truck

Water Fund, 511-5610-503-7421, 1 @ \$24,653.60, One (1) Extended Cab Truck

Attachment/s: Quotes/Contract Item (19-pages)

CC: Michael Thomas, Equipment Coordinator
Blake Wolbrueck, Lieutenant
Jack McQuarry, Sargeant
Keith Kockler, Captain
Danny Martin, Assistant Chief of Police
Jim Spivey, Chief of Police
Dennis Wooten, Assistant Director of Health-Animal Services
Bill Alsup, Director of Health
Chris Acuff, Assistant Parks Superintendent
Shohn Rodgers, Parks Superintendent
Dan Baker, Assistant Director of Parks
Lori Smeby, Director of Parks & Recreation
Brad Due, Utility Systems Superintendent
Hunter Stephens, Assistant Director of Public Services-Streets/Utilities
Darryl Fourte, Director of Public Services

: ER



MEMO

To: Todd Gastorf, Purchasing Manager

From: Dennis Wooten, Assistant Director Health, Animal Services 

Date: March 20, 2018

Subject: Shelter Vehicle Recommendation


The Health department concurs with the recommendation of Ernie Ramos, Fleet and Materials Manager, to purchase the following vehicle per the quote from Sam's Pack Star Ford pursuant to State of Texas Contract # 072-A1.

One (1) ¾ ton cab/chassis to be funded from account 238-4513-581-7421, Project # AN1802



MEMORANDUM

TO: Todd Gastorf, Purchasing Manager

FROM: Lori Smeby, Director of Parks and Recreation 

DATE: March 20, 2018

RE: Capital Equipment Purchase, Vehicles for Parks

Upon review of the relevant documentation as provided by the Fleet and Materials Manager, The Parks and Recreation Department concurs with the recommendation to purchase the following vehicles per the quote from Sam's Pack Five Star Ford pursuant to State of Texas Contract 071-A1 & 072-A1:

- Three (3) ¾-Ton Pickup Trucks
 - Funding for this purchase is allocated in account 238-3061-581-7421 with the following project numbers:
 - PM1845
 - PM1847
 - PM1848
- One (1) Compact SUV
 - Funding for this purchase is allocated in account 238-3061-581-7421 with the following project number:
 - PM1849

Cc: Dan Baker, Assistant Director of Parks and Recreation
Ernest Ramos, Fleet and Materials Manager
Shohn Rodgers, Superintendent of Parks

PM 1845,
1847
1848

Sam Pack's Five Star Ford
1635 S. IH 35E Carrollton Texas, 75006
(888) 8 FLEET 9 (888-835-3389) - FAX 972-245-5278 - bidtx@spford.com

CUSTOMIZED PRODUCT PRICING SUMMARY BASED ON CONTRACT

Cars and Light Trucks

Team Members -- Kevin Moore - Lana Thomason - Richard Kopczynski - Shauna Hood - Jorge Guerra - Alan Rosner
Contract Name: State of Texas 072-A1 Texas Smartbuy Contract Effective 11/01/17 till 10-31-2018

End User: City of Richardson Sam Pack's Rep: Alan Rosner
Contact: Ernie Ramos Date: 12/13/2017
Contact TN/Email: ernest.ramos@COR.gov Phone #: 972.744.4421

Product Description: 2018 Ford F-250 Exterior Color / Interior: White

A. Bid Series: 868C Base Price: \$ 26,431.00

B. Published Options (Itemize Each Below)

Code	Description	Bid Price	Code	Description	Bid Price
	Automatic Transmission	Included			
	Power Windows/ Locks	Included			
	Speed Control	Included			
	Tinted Windows	Included			
	Am/FM Radio	Included			
	Long Bed	Included			
88	Headache Rack	\$ 465.75			
146	Upfitter Switches	\$ 287.50			
118	Cross Box - Gull Wing	\$ 710.70			
120	ToolBox - All Purpose (2 Side Mounted)	\$ 862.50			
	Frame Mounted Hitch	Included			

Total of B. - Published Options \$ 2,326.45

C. Ford Factory Published Options

Code	Description	Bid Price	Code	Description	Bid Price
96V	Value Package	\$ 285.00			
90L	Power Group	Included above			
60B	BLIS blindspot	\$ 540.00			
66L	LED Box Lighting	\$ 60.00			
18B	Running Boards	\$ 445.00			

Total of C. - Dealer Published Options \$ 1,330.00

D. Options requiring separate PO

Code	Description	Bid Price	Code	Description	Bid Price
	Whelen Amber IX2AAAA Lightbar	\$1,350.00			
	Ball Pintle Combo "2" inch	\$195.00			

Total of D. - Off Menu Options \$ 1,545.00

F. Delivery Charges 0 Miles @ \$2.45/mile \$ -
 G. Option Discounts \$ (106.40)
 H. Total of A + B + C + D + E = F \$ 31,526.05
 I. Floor Plan Assistance \$0.00
 J. Lot Insurance Coverages \$0.00
 K. Quantity Ordered 3 X F = \$ 94,578.15
 L. Administrative Fee \$ -
 M. Non-Equip Charges & Credits \$ -
 N. TOTAL PURCHASE PRICE INCLUDING ADMIN FEE \$94,578.15

Ernie Ramos



MEMO

Date: March 20, 2018
To: Todd Gastorf, Purchasing Manager
From: Jimmy L. Spivey, Chief of Police
Ref: Capital Equipment Purchase, PD1805, PD1807, PD1810, Ford Police Interceptor.

After review of the existing State Contract # 071-A1, 072-A1 it is the recommendation of the Richardson Police Department that we proceed with the purchase of three (3) Ford Police Interceptors for an amount not to exceed \$79,989.00.

Thank You for your attention to this matter.

Jimmy L. Spivey
Chief of Police
Richardson Police Department

/bm

cc: Coby Pewitt, Assistant Chief
Michael Bussiere, Captain
Daniel Robb, Captain
Keith Dagen, Director of Finance



MEMO

Date: March 20, 2018
To: Todd Gastorf, Purchasing Manager
From: Jimmy L. Spivey, Chief of Police
Ref: Capital Equipment Purchase, PD1806, PD1808, Ford Police Interceptor.

After review of the existing State Contract # 071-A1, 072-A1 it is the recommendation of the Richardson Police Department that we proceed with the purchase of two (2) Ford Police Interceptors for an amount not to exceed \$47,662.00.

Thank You for your attention to this matter.

Jimmy L. Spivey
Chief of Police
Richardson Police Department

/bm

cc: Coby Pewitt, Assistant Chief
Michael Bussiere, Captain
Daniel Robb, Captain
Keith Dagen, Director of Finance



MEMO

DATE: March 20, 2018
TO: Todd Gastorf, Purchasing Manager
FROM: Brad Due, Utility Systems Superintendent - Interim *BD*
RE: Capital Equipment Purchases, Various Vehicles via State Contract
071-A1, 072-A1, Expires 10/31/2018

I have reviewed the existing contract referenced above and concur with Ernie Ramos on the purchase of the Crewcab Truck with options and the Extended Cab Truck with options. Please order the vehicles with accessories as specified in the attached quote. The funding for these purchases are funded from the following accounts as listed below.

511-5220-503-7421 @ \$26,452.20, replacing Unit # 54025.

511-5610-503-7421 @ \$24,653.60, replacing Unit # 56006.

Cc: Darryl Fourte, Director of Public Services
Hunter Stephens, Assistant Director of Public Services – Streets/Utilities *HS*
Ernie Ramos, Fleet & Materials Manager



MEMO

DATE: March 21, 2018

TO: Keith Dagen – Director of Finance

FROM: Todd Gastorf – Purchasing Manager *TG*

SUBJECT: Award of Bid #44-18 for the cooperative purchase of one (1) front loader chassis and body for the Solid Waste Department to Chastang Enterprises, Inc. in the amount of \$269,380 through The Local Government Purchasing Cooperative (“BuyBoard”) Contract #521-16

Proposed Date of Award: March 26, 2018

I concur with the recommendations of Ernie Ramos – Fleet and Materials Manager and Darryl Fourte – Director of Public Services, and request permission to issue a purchase order for one (1) front loader chassis and body to Chastang Enterprises Inc. in the amount of \$269,380, as per the attached quote.

The above referenced vehicle has been competitively bid through BuyBoard Contract #521-16. The City of Richardson is a member of BuyBoard through its existing interlocal agreement for cooperative purchasing pursuant to Texas Government Code Chapter 791.025 and Texas Local Government Code Chapter 271.102. This agreement automatically renews annually unless either party gives prior notice of termination.

Funding is available in the Solid Waste Capital Fund.

Concur:

Keith Dagen

ATTACHMENTS



MEMO

DATE: March 21, 2018

TO: Todd Gastorf, Purchasing Manager

FROM; Ernie Ramos, Fleet & Materials Manager *E.R.*

RE: Capital Equipment Purchase, Front Loader Chassis and Body via Buyboard Contract 521-16, contract expires 11/30/2019

I have reviewed the existing contract referenced above and recommend purchasing an Autocar ACX64 Cabover Chassis w/McNeilus Atlantic Series Front Loader Body from Chastang Enterprises Inc. for an amount of \$269,380. I have reviewed and approved the quote with options listed from Chastang Enterprises Inc.

The funding for this purchase is funded from the Solid Waste Capital fund, The contact at Chastang Enterprises Inc. is Mr. Carl Norberg and he can be reached at (713) 678-5060, or E-mail: cnorberg@chastangford.com, Fax: (713) 678-5001. Please order the truck chassis with options as specified on the quote.

Attachment/s: Buyboard Contract Pricing Worksheet (1-page)
Buyboard Contract Listing (3-pages)
Buyboard Vendor Contract Information (2-pages)
McNeilus Quote (1-page)

CC: Travis Switzer, Assistant Director of Public Services
Darryl Fourte, Director of Public Services

: ER



MEMO

TO: Todd Gastorf, Purchasing Manager

FROM: Darryl Fourte, Director of Public Services

DATE: March 22, 2018

SUBJECT: Purchase Concurrence - Capital Equipment Purchase, Front Loader Chassis and Body via Buyboard Contract 521-16, contract expires 11/30/2019

I concur with the recommendation of Ernie Ramos, Fleet & Materials Manager, to purchase an Autocar ACX64 Cabover Chassis w/McNeilus Atlantic Series Front Loader Body from Chastang Enterprises Inc. for an amount of \$269,380. The funding for this purchase is funded from the Solid Waste Capital fund.

Please reference Mr. Ramos' memo dated March 21, 2018.

Attachment: Ernie Ramos' memo dated March 21, 2018

xc: Travis Switzer, Assistant Director of Public Services
Paula Johnson, Environmental Services Superintendent



Chastang Enterprises, Inc.
 6200 N. Loop East
 Houston, TX 77026
 713.678.5000

TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE

CUSTOMER:	City of Richardson	QUOTE DATE:	3/21/2018
CONTACT:	Ernest Ramos	QUOTED BY:	Carl Norberg
PHONE:	970-744-4421	PHONE:	Office: 713-678-5060 Cell: 512-557-7453
EMAIL:	ernest.ramos@cor.gov	EMAIL:	cnorberg@chastangford.com

ITEM DESCRIPTION: 2019 Autocar ACX64 Suitable for use with a Commercial Front End Loader Refuse Body

CONTRACT:	BuyBoard	PROPOSAL NO.	521-16	ITEM NO.	3	ITEM PRICE:	69720
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CHASSIS EQUIPMENT

STANDARD EQUIPMENT
Cummins L9 350HP Diesel Engine
Tilt/Telescope steering column; Integral Heat & A/C w/ defrost
5 Min. Engine idle shutdown

STANDARD EQUIPMENT
Technician Training
Service Manuals, Electrical & Air Schematics
Autocar Solutions 24/7 Tech Support

OPTIONAL EQUIPMENT
Cummins VGT Exhaust Brake
Engine Block Heater
16" Two Stage Engine Air Filter
Allison 4500 Series 6-Speed Transmission
Trans PTO Prep
Threaded Oil Sample Ports
22,000 Front Suspension
Auxiliary Load Cushions
16.5x7" Front Brakes
16.5x8.62" Rear Brakes
Bendix ABS with Traction Control

OPTIONAL EQUIPMENT
Double Frame
Engine Oil Pan Guard
Wrench Spec Frame-mounted Component Location
Central Air Drain Manifold
FEL Cab Guard and Corner Lights
Sears Air Ride Driver's Seat
Orange Safety Belts
Aluminum Diamond Plate Floor (Driver's Side)
WB/BT Radio
Dual Fire Extinguishers
5 Year Cummins Warranty
5 Year Transmission Warranty
5 Year Aftertreatment Warranty
Early Pay Discount (-\$2000 per unit)

CHASSIS OPTIONS	89403
CHASSIS TOTAL	159123

BODY EQUIPMENT

BODY VENDOR:		PROPOSAL NO.	521-16	ITEM NO.	10183	ITEM PRICE:	120000
BODY MFG:	McNeilus	MODEL:	Atlantic	TYPE:	FEL	CAPACITY:	40 Cu. Yd.

OPTIONAL EQUIPMENT	COST

OPTIONAL EQUIPMENT	COST
Repeat Customer Discount	-10143

BODY OPTIONS	-10143
BODY TOTAL	109857

Submit Approved Quote to BuyBoard:
 Fax: 800-211-5454 Email: info@buyboard.com

UNIT PRICE	268980
QUANTITY	1
CONTRACT FEE (per PO)	400
TOTAL PURCHASE	269380

ESTIMATED DELIVERY Approx. 145 Days to Body Co.

E. Ramos 3/21/18



Quote Number: 0Q7201803210806 Rev: 0

Catalog: 18.03.15A

Model 4029: Atlantic 40 yd Front Loader (FE)

Printed: 3/21/2018

Quoted/Sold To:

Delivery Point:

City of Richardson Attn: Ernie Ramos	City of Richardson 436 powerhouse Street MCKinney, TX 75071 USA
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Total Configured Price	\$103,141
Surcharge	4,641
Specials	0
FET	0
Freight	2,075
Extended Warranties	0
Miscellaneous	0
Sales Tax	0
Total Unit Price	\$109,857
Quantity	1
Extended Price	\$109,857
Required Down Payment	PO

Quantity Discount

Pricing includes all applicable discounts for quantity quoted. Change of quantity ordered may result in revision of price.

Freight Charges

Freight charge is estimated based upon fuel cost at the time of quotation. The charge is subject to change at the time of delivery. Shipping arrangements (when applicable) are made for the convenience of the customer. Seller assumes no responsibility for the equipment in transport.

Taxes

No state or local taxes are included in the prices quoted herein. Any applicable state and local taxes must be added to these prices and paid directly by the purchaser.

Specifications

All specifications are subject to change without notice. Several factors beyond the control of the chassis OEM or McNeilus may result in the substitution of components of equal or greater quality.

Special Options

Special options are subject to engineering application approval.

Terms & Conditions

This quotation assumes and is subject to the standard terms and conditions of London Machinery, Inc, McNeilus Truck and Manufacturing Inc. and Oshkosh Corporation, including limitations of warranty.

This quotation is valid until 04/20/2018.
Any order is contingent upon acceptance by McNeilus Truck and Manufacturing Inc.

Payment Terms
Due upon receipt

Quotation Currency
All prices are in US Dollars (USD)

Acceptance

By signing and returning this document, you are indicating that you have read and approved the above specification.

Please return this signed quotation and down payment to your McNeilus representative.

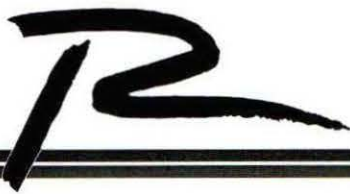
If you have any questions, please feel free to contact us.

THIS QUOTE MAY BE SUBJECT TO THE IMPOSITION OF A SURCHARGE BASED ON PRICE INCREASES ON STEEL. WE WILL PROVIDE EXACT AMOUNT OF SURCHARGE AS SOON AS PRACTICABLE.

Date(s) chassis will arrive at McNeilus

Ernie Ramos
Authorized Signature

3/21/18
Date



MEMO

DATE: March 19, 2018
TO: Keith Dagen – Director of Finance
FROM: Todd Gastorf – Purchasing Manager *TJG*
SUBJECT: Change Order to Increase Award of Bid #89-17 for the Eastside II Art Piece Project Installation to EasTex Tower, Inc. in the amount of \$27,536.25

Proposed Date of Change Order Authorization: March 26, 2018

I concur with the recommendation of Shanna Sims-Bradish – Assistant City Manager, and request permission to increase the award to EasTex Tower, Inc. for the Eastside II art piece project installation in the amount of \$27,536.25 to a total of \$82,112, as outlined in the attached memo.

On September 25, 2017 the City Council awarded Bid #89-17 for site improvements including the foundation related to a public art piece installation south of the Eastside development. EasTex Tower, Inc. was the contractor selected by the artist to erect the artwork. The city is utilizing the same contractor for the foundation work to ensure the artwork integrates well with the foundation, which makes this a sole source procurement as allowed by Texas Local Government Code Chapter 252.022(a)(7)(A). The scope of the foundation work is greater than initially anticipated as a result of finalized plans, which results in a revised scope of services quote totaling \$82,112.

This change order to amend the award of Bid #89-17 requires approval by the governing body because it results in an increase by more than 25% of the original contract amount.

Concur:

Keith Dagen

Keith Dagen

ATTACHMENTS

Approved:

Dan Johnson



To: Todd Gastorf, Purchasing Manager
From: Shanna Sims-Bradish, Assistant City Manager
Date: March 9, 2018
Subject: Change Order - EasTex Tower

At the September 25, 2017 City Council Meeting, the City Council awarded Bid No. 89-17 to EasTex Tower for the Eastside II art piece installation in the amount of \$54,575.75. Due to the unique and intricate details of ensuring that the foundation and the art piece work together with the existing franchise utilities and erection goes smoothly, the City proposed using the same contractor for foundation work, EasTex Tower, that will also be erecting the art piece. The award of the bid in September 2017 allowed the City and the artist to work with the same contractor for both the foundation work and the installation of the art piece. Since the foundation work is integral to the art piece, the City contracted with EasTex Tower for foundation work as a sole source vendor. Sole source procurement is allowed for this type of project by the Texas Local Government Code 252.022(a)(7)(A).

Since the City Council action in September 2017, final design of the artwork has been completed and the engineering of the site has also been completed. EasTex Tower has determined based on these finalized plans that the scope of the foundation work is greater than initially anticipated due to unique site issues. EasTex Tower has submitted a revised scope of services and quote that totals \$82,112.

I recommend amending the award to EasTex Tower for the foundation work for the Eastside public art project to a total of \$82,112. Funds are available in the TIF #1 budget for site improvements related to this public art piece.

cc. Dan Tracy, Development Engineer



P.O. Box 830309
Richardson, TX
75083-0309
972-744-4100
Fax 972-744-5803
www.cor.net

3537 Gum Springs Road
Longview, TX 75602

7345 Templeton Gap Rd.
Colorado Springs, CO 80923



Quote

Date 1/29/2018
Quote # IS012918-01

Ed Carpenter
1812 NW 24th Avenue
Portland, OR 97210

Site Name/Location

City of Richardson

Project Description

Monument

**Thank you for the opportunity to quote the following.
Quote valid 30 days after issue date.**

Quote Prepared By: IS - sr

Description	Qty	Rate	Total
Mobilization			
From office to Richardson		1,026.00	1,026.00
From Richardson to Office		1,026.00	1,026.00
Install Concrete Beams			
Layout/Prep		2,280.00	2,280.00
Excavate		3,420.00	3,420.00
Install Rebar		9,120.00	9,120.00
Form		5,130.00	5,130.00
Pour		4,560.00	4,560.00
Wreck Forms		2,280.00	2,280.00
Back Fill		2,850.00	2,850.00
Dress		285.00	285.00
Haul Off Spoils		1,140.00	1,140.00
Misc Hardware		625.00	625.00
Concrete Materials		0.00	0.00
Concrete for beams		3,600.00	3,600.00
Rebar		1,125.00	1,125.00
Sono Tube		500.00	500.00
Form Material		750.00	750.00
Drilled Piers		32,250.00	32,250.00
Haul Spoils		1,312.50	1,312.50
Concrete Testing		2,250.00	2,250.00
Bond		2,375.00	2,375.00
Equipment		4,207.50	4,207.50

All additional work will be T & M per Customer Rate Sheet
Site must be accessible by a 4-wheel drive vehicle.

Longview, Texas 903-234-9370

Fax: 903-234-9397

Colorado Springs, CO 719-632-8822

Fax: 719-632-6848

Subtotal	\$82,112.00
Sales Tax (0.0%)	\$0.00
Total	\$82,112.00