

A G E N D A

A regular meeting of the Mayor and City Council of the City of Waxahachie to be held at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, Waxahachie, Texas, on **Monday, May 6, 2024 at 7:00 p.m.**

Council Members: David Hill, Mayor, Council Member Place 1
Chris Wright, Mayor Pro Tem, Council Member Place 3
Patrick Souter, Council Member Place 2
Billie Wallace, Council Member Place 4
Travis Smith, Council Member Place 5

1. Call to Order
2. Invocation
3. Pledge of Allegiance and Texas Pledge of Allegiance
4. **Public Comments:** Persons may address the City Council on any issues. This is the appropriate time for citizens to address the Council on any concern whether on this agenda or not. In accordance with the State of Texas Open Meetings Act, the Council may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code. **Speakers must observe the five (5) minute time limit.**

5. **Consent Agenda**

All matters listed under Item 5, Consent Agenda, are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Mayor/City Manager to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any member of the City Council.

- a. Minutes of the City Council meeting of April 15, 2024
- b. Event application for Junk in the Trunk to be held May 11, September 21, and November 9, 2024 in Downtown Waxahachie
- c. Event application for Dripstar Day to be held May 18, 2024 at Lee Penn Park
- d. Event application for King George's Birthday Bash to be held May 18, 2024 at Railyard Park
- e. Event application for Barbie Movie Night to be held June 1, 2024 at Railyard Park
- f. Event application for Summer Soul Affair to be held July 6, 2024 at Railyard Park
- g. Event application for Neon Disco Night to be held July 20, 2024 at Railyard Park
- h. Event application for Taylor Swift Concert Experience to be held August 3, 2024 at Railyard Park
- i. Event application for Service to America Blood Drive to be held October 12, 2024 at Pocket Park
- j. Budget amendment for insurance reimbursement for repaired police vehicles
- k. Sports Facilities Advisory, LLC Service Agreement and supplemental appropriation from the General Fund balance reserves

6. **Introduce** Honorary Councilmember

7. **Present** Proclamation recognizing May as “Building Safety Month”
8. **Present** Proclamation recognizing May 5-11, 2024 as “Professional Municipal Clerks Week”
9. **Continue Public Hearing** on a request by Chad Adams, for a Zoning Change from a Future Development (FD) and Planned Development-Single Family-1 (PD-SF-1) zoning district to a Planned Development – Single Family – 1 (PD-SF-1) zoning district (Hightower), located directly north of 143 Lakeshore Drive (Property ID 182009) - Owner: Todd Laurie L & Wesley M Hightower Etal (ZDC-128-2022)
10. **Consider** proposed Ordinance approving ZDC-128-2022
11. **Public Hearing** on a request by Melissa McClain, Equity Trust Company, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Planned Development-28-General Retail (PD-28-GR) zoning district located at 515 N College Street (Property ID 171103) - Owner: Equity Trust Company Custodian (ZDC-35-2024)
12. **Consider** proposed Ordinance approving ZDC-35-2024
13. **Public Hearing** on a request by Greg Nehib, 57 Bluetruck LLC, for a Zoning Change from a Single Family-1 (SF-1) zoning district to Planned Development-Commercial (PD-C) zoning district, located at 409 W Jefferson Street, (Property ID 171061) - Owner: 57 Bluetruck LLC (ZDC-32-2024)
14. **Consider** proposed Ordinance approving ZDC-32-2024
15. **Consider** Development Agreement for ZDC-32-2024
16. **Public Hearing** on a request by Brad Yates, Loren Gray Investments LLC, for a Specific Use Permit (SUP) for an Accessory Structure +700sf use within a Single Family-2 (SF-2) zoning district located at 110 Farley Street (Property ID 175879) - Owner: Loren Gray Investments LLC (ZDC-4-2024)
17. **Consider** proposed Ordinance approving ZDC-4-2024
18. **Public Hearing** on a request by Brad Yates, Graily Holdings LLC, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-3 (SF-3) zoning district located at 800 Dunaway Street (Property ID 172314) - Owner: Graily Holdings LLC (ZDC-56-2024)
19. **Consider** proposed Ordinance approving ZDC-56-2024
20. **Consider** Development Agreement for ZDC-56-2024
21. **Public Hearing** on a request by Taylor Towles, Elmwood Wonder W, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Planned Development-Single Family-2 (PD-SF-2) zoning district located at 95 Elmwood Trail (Property ID 222754) - Owner: Elmwood Wonder W (ZDC-54-2024)

22. **Consider** proposed Ordinance approving ZDC-54-2024
23. **Public Hearing** on a request by Dawn Lipsey, North Star Custom Homes LLC, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 511 W Parks Avenue (Property ID 173331) - Owner: North Star Custom Homes LLC (ZDC-63-2024)
24. **Consider** proposed Ordinance approving ZDC-63-2024
25. **Public Hearing** on a request by Kelley Cruzan, for a Zoning Change from a Single-Family-2 (SF-2) zoning district to Planned Development-Single Family-2 (PD-SF-2) zoning district, located at 106 McClain Street, (Property ID 170768) - Owner: Thomas Jordan (ZDC-58-2024)
26. **Consider** proposed Ordinance approving ZDC-58-2024
27. **Consider** proposed Ordinance approving an exemption from the City's property tax of 100 percent of the appraised value for all or part of real property used as a qualified childcare facility for the tax year beginning January 1, 2024
28. **Consider** proposed Ordinance amending Chapter 8, Building, of the City of Waxahachie Code of Ordinances
29. **Consider** proposed Ordinance amending Chapter 12, Fire Protection and Prevention, of the City of Waxahachie Code of Ordinances
30. Comments by Mayor, City Council, City Attorney and City Manager
31. Adjourn

The City Council reserves the right to go into Executive Session as authorized by Section 551.071(2) of the Texas Government Code, for the purpose of seeking confidential legal advice from legal counsel on any agenda item listed herein. This meeting location is wheelchair-accessible. Parking for mobility-impaired persons is available. Any request for sign interpretive services must be made forty-eight hours ahead of the meeting. To make arrangements, call the City Secretary at 469-309-4006 or (TDD) 1-800-RELAY TX

A regular meeting of the Mayor and City Council of the City of Waxahachie was held at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, Waxahachie, Texas, on Monday, April 15, 2024 at 7:00 p.m.

Council Members Present: David Hill, Mayor, Council Member Place 1
Chris Wright, Mayor Pro Tem, Council Member Place 3
Patrick Souter, Council Member Place 2
Billie Wallace, Council Member Place 4
Travis Smith, Council Member Place 5

Others Present: Michael Scott, City Manager
Albert Lawrence, Deputy City Manager
Terry Welch, City Attorney
Amber Villarreal, City Secretary

1. Call to Order

Mayor David Hill called the meeting to order and announced the Texas Rangers' Day proclamation would be moved up on the agenda.

7. Present Proclamation recognizing April 15, 2024 as "Texas Rangers' Day" in Waxahachie

Mayor Hill presented a Proclamation recognizing April 15, 2024 as "Texas Rangers' Day" in Waxahachie and expressed appreciation to the Texas Rangers' organization for allowing Waxahachie to be a destination on the trophy tour.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

City Manager Michael Scott gave the invocation. Mayor Hill led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Vanessa Voldan, 301 Cynisca, Waxahachie, Texas, requested assistance from the City to provide low cost spay and neutering services for animals, look for grant/fundraising opportunities, and an improved animal shelter.

Alan Fox, 327 University, Waxahachie, Texas, acknowledged those with the foresight to build Railyard Park noting it is has proven to be beneficial and enjoyed by citizens.

5. Consent Agenda

- a. Minutes of the City Council meeting of April 1, 2024
- b. Minutes of the City Council Work Session of April 11, 2024
- c. Event application for Fun Food Drive to be held at Getzendaner Park Pavilion on April 28, 2024

(5a)

- d. Event application for outdoor concert at Railyard Park on May 15, May 22, and May 29, 2024
- e. Event application for Police Memorial at Pocket Park on May 15, 2024
- f. Event application for Crape Myrtle Festival and Parade on July 3-4, 2024
- g. Event application for 1st Annual Back to School Health Fair at Lee Penn Park on August 10, 2024
- h. Proposed Ordinance approving a request by Gregory Boston, for a Petition for ETJ Release for approximately 10.23 acres, located south of 141 Mustang Road (Property ID 180992) – Owner: Gregory Boston (ETJ-PTN-43-2024)
- i. Proposed Ordinance approving a request by William D. Collard Jr., for a Petition for ETJ Release for approximately 11.668 acres, located at 3230 S US Highway 77 (Property ID 223318) – Owner: William D. Collard Jr. (ETJ-PTN-44-2024)
- j. Proposed Ordinance approving a request by Robert Shierk & Sandra Shierk, for a Petition for ETJ Release for approximately 9.282 acres, located at 1022 W. Woodridge Rd. (Property ID 154525 & 154516) Owner: Robert D. Shierk & Sandra Shierk (ETJ-PTN-50-2024)
- k. Proposed Ordinance approving a request by David McDill, for a Petition for ETJ Release for approximately 6.378 acres, located at 1643 Gibson Rd. (Property ID 219173) – Owner: Miriam Hernandez & Jaime Andrade (ETJ-PTN-52-2024)
- l. Film Production/Street Closure for News Nation Project
- m. Award of a contract for City janitorial services

ORDINANCE NO. 3472

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 10.23ACRE TRACT OF LAND, LOCATED SOUTH OF 141 MUSTANG ROAD, KNOWN AS PROPERTY ID 180992, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3473

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 11.668 ACRE TRACT OF LAND, LOCATED AT 3230 S US HIGHWAY 77, KNOWN AS PROPERTY ID 223318, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3474

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 9.282 ACRE TRACT OF LAND, LOCATED AT 1022 W. WOODRIDGE RD., KNOWN AS PROPERTY ID

(5a)

154525 & 154516, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3475

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 6.38 ACRE TRACT OF LAND, LOCATED AT 1643 GIBSON RD., KNOWN AS PROPERTY ID 219173, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

Action:

Billie Wallace moved to approve all items on the Consent Agenda as presented and authorize the City Manager and/or Mayor to execute all associated documents as necessary. Motion was seconded by Travis Smith and carried unanimously (5-0).

6. Introduce Honorary Councilmember

Council Member Patrick Souter introduced David Smith as the Honorary Councilmember for April and presented him with a Certificate of Appreciation. David Smith composes original cowboy poems and recites them throughout Texas and New Mexico. He performs at cowboy gatherings, schools, nursing homes, clubs, churches, and at the Fort Worth Stockyards Rodeo, wherever the love of the cowboy way of life thrives. He writes of cattle drives, cowboy characters and life in the rugged West. Mr. Smith has published three books and one CD of cowboy poetry and is a proud member of the International Western Music Association. He was commissioned to create and perform three poems for Ellis County Historical Marker dedication commemorating the Shawnee Cattle Trails, the Cotton Industry, and the City of Old Bardwell. David has placed three times in Sims Library's Irene Emerson Poetry Writing Contest. He was inducted into the WHS Ex-Student's Association Fine Arts Hall of Fame in 2020.

Besides writing and performing cowboy poetry, David teaches and encourages new generations of Waxahachie ISD 4th and 7th grade poets to write their own poetry for the youth poetry competition. He teaches Sunday school regularly at the First United Methodist Church and served as Docent for the Dallas Museum of Art for 15 years.

Retired from the flooring business he owned with his father for 42 years, David and his high school sweetheart wife, Pat, have two children, and three grandchildren. They reside in Waxahachie where he and Pat have organized three Waxahachie Cowboy Gatherings.

8. Public Hearing on a request by Ido Pistiner, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Planned Development Single-Family Dwelling-2 (PD-SF-2) zoning district located at 462 Wintergreen Drive (Property ID 265831) - Owner: Ido Pistiner (ZDC-190-2023)

(5a)

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The Item was presented by Senior Director of Planning Jennifer Pruitt. To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 99 notices were mailed to property owners within 500 feet of the as required in Section 3.27 of the City's Zoning Ordinance. At the time of the publishing of this staff report, a total of eighteen (18) letters in opposition have been received by staff, with six (6) letters being inside the 200' buffer and the remainder outside the 200' buffer. Staff confirmed with the Waxahachie Police Department that no nuisance-related calls had been made regarding the subject property and its current use in the past 12 months. The Planning and Zoning Commission recommended denial by a 6-0 vote at the April 9th meeting.

Mayor Hill opened the Public Hearing at approximately 7:22 p.m.

Dafnee Orduz, Property Manager, Austin, Texas, introduced herself and explained the property doesn't allow parties and the emergency contact for the property is available 24/7 for questions and complaints. She acknowledged the importance to keep the community safe and happy.

City Council asked when the property began/ended operating as a short-term rental, if the property paid hotel/motel taxes while operating, if the owner is aware of the neighborhood opposition.

Ms. Orduz explained the property began operating in October 2023 and ceased in January 2024 once the owner was aware of the required permit to operate. Ms. Orduz stated she paid hotel/motel tax to the city for the few bookings in 2023.

Those who spoke in opposition:

Joianessa Smith, Garden Valley HOA President, and on behalf of the HOA Board, 420 Mulberry Lane, Waxahachie, Texas

There being no others to speak for or against ZDC-190-2023, Mayor Hill closed the Public Hearing at approximately 7:36 p.m.

9. Consider proposed Ordinance approving ZDC-190-2023

Action:

Patrick Souter moved to deny the ordinance for ZDC-190-2023, a Specific Use Permit (SUP) for a Short-Term Rental use. Motion was seconded by Chris Wright and carried unanimously (5-0).

10. Public Hearing on a request by Brad Yates, for a Replat of Lot 4, Block 1 of the Nora Alexander's Subdivision, to create Lots 4A and 4B, Block 1 of the Nora Alexander's Subdivision, 2 residential lots, being 0.2695 acres, located at 500 Farley Street (Property ID: 172064) – Owner: Loren Gray Investments LLC (SUB-29-2024)

The Item was presented by Ms. Pruitt and owner Brad Yates requested approval.

Mayor Hill opened the Public Hearing at approximately 7:38 p.m.

(5a)

City Council
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There being no others to speak for or against ZDC-29-2024, Mayor Hill closed the Public Hearing at approximately 7:39 p.m.

11. Consider approval of SUB-29-2024

Action:

Billie Wallace moved to approve SUB-29-2024, a Replat of the Nora Alexander's Subdivision, subject to the conditions the staff report. Motion was seconded by Travis Smith and carried unanimously (5-0).

12. Public Hearing on a request by Joseph Flournoy, Energy Renovation Center, for a Replat of a portion of Lot C, Block 232 of the Original Town of Waxahachie, to create Lots C1 & C2, Block 232 of the Original Town of Waxahachie, 2 residential lots, being 0.418 acres, located at 103 Elder Street (Property ID 171557) – Owner: Energy Renovation Center Inc. (SUB-49-2024)

The Item was presented by Ms. Pruitt.

Mayor Hill opened the Public Hearing at approximately 7:41 p.m.

There being no others to speak for or against SUB-49-2024, Mayor Hill closed the Public Hearing at approximately 7:41 p.m.

13. Consider approval of SUB-49-2024

Action:

Billie Wallace moved to approve SUB-49-2024, a Replat of a portion of Lot C, Block 232 of the Original Town of Waxahachie, subject to the conditions the staff report. Motion was seconded by Chris Wright and carried unanimously (5-0).

14. Public Hearing on a request by Leslie Ford, Ofi Chito, for a Specific Use Permit (SUP) for a Drive-Thru use within a Light Industrial-1 (LI-1) zoning district located directly east of 150 West Butcher Road (Property ID 284633) - Owner: Crux Jefferson, LLC (ZDC-21-2024)

The Item was presented by Ms. Pruitt.

Mayor Hill opened the Public Hearing at approximately 7:43 p.m.

Alan Fox, 327 University, Waxahachie, Texas, expressed concerns for additional traffic on Butcher Road and asked if there is a plan to expand the road.

Staff explained there will be no direct access to Highway 77 and construction on Butcher Road, near I35, may improve traffic.

There being no others to speak for or against ZDC-21-2024, Mayor Hill closed the Public Hearing at approximately 7:47 p.m.

(5a)

15. Consider proposed Ordinance approving ZDC-21-2024

ORDINANCE NO. 3476

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A DRIVE-THROUGH ESTABLISHMENT (MCDONALD'S) USE WITHIN A LIGHT INDUSTRIAL-1 (LI-1) ZONING DISTRICT, LOCATED DIRECTLY EAST OF 150 W BUTCHER ROAD, BEING PROPERTY ID 284633, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1, BLOCK A IN THE TEDDO CROSSING PHASE ONE SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Billie Wallace moved to approve the ordinance for ZDC-21-2024, a Specific Use Permit (SUP) for a Drive Through Establishment, subject to the conditions of the staff report, and authorize the City Manager and or Mayor to execute all necessary documents. Motion was seconded by Travis Smith and carried unanimously (5-0).

16. Consider Development Agreement for ZDC-21-2024

Action:

Billie Wallace moved to approve the Development Agreement for ZDC-21-2024. Motion was seconded by Travis Smith and carried unanimously (5-0).

17. Consider a construction contract for the emergency construction of water main casing and water main on FM664 Project

The Item was presented by Senior Director of Utilities Kumar Gali.

Action:

Billie Wallace moved to approve the construction contract for the emergency construction of water main casing and water main on the FM664 Project to Circle H Contractors L.P. in the amount of \$797,537, with an additional construction contingency in the amount of \$40,463, and authorize the City Manager to execute all necessary documents. Motion was seconded by Travis Smith and carried unanimously (5-0).

18. Comments by Mayor, City Council, City Attorney and City Manager

Council Member Billie Wallace expressed thanks to employees for their work on city events.

City Manager Michael Scott expressed thanks to the joint effort by staff for the solar eclipse. Mr. Scott congratulated City Engineer Macey Martinez for completing the Boston Marathon in 3 hours and 35 minutes.

Mayor Pro Tem Chris Wright confirmed the proposed McDonald's on Butcher Road will not have direct access to Highway 77.

(5a)

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Council Member Patrick Souter thanked Pat and David Smith for organizing a successful Cowboy Poet event this past weekend and thanked staff for all their work. Mr. Souter explained he has reviewed legal cases regarding panhandling and stated he has never opposed efforts to legally address panhandling.

Mayor David Hill recognized the successful solar eclipse event and expressed appreciation for City staff's efforts.

19. Adjourn

There being no further business, the meeting adjourned at 8:01 p.m.

Respectfully submitted,

Amber Villarreal, City Secretary



City of Waxahachie
City Secretary's Office

(5b)

Special Event Application

Received 4/11/24

Date submitted 4/3/24

Applicant name: Amy Waters

Are you representing the host organization? Yes No

Will you be the on-site point of contact during the event? Yes No

Phone: _____ Cell: _____

Email: _____

Mailing address: 308 S. College St., Waxahachie TX 75165

Host organization name: Waxahachie Downtown Merchants Association

Alternate contact that will be on-site during the event.

On-site contact name: Leon Talent Cel _____

Event name: Junk in the Trunk

Date: May 11, 2024, September 21, 2024, November 9, 2024

Location: 100 Block of W. Franklin St. and 100 block of S. College Street

An event site map is **REQUIRED** to be submitted with your application.

Anticipated attendance: 300-400

Description of event: Antique/crafts vendor market

	Date(s)	Start Time:	End Time:
Event Date	5.11.24	8:00 am	5:00 pm
Event Set-up	5.11.24	6:30 am	8:00 am
Event Breakdown	5.11.24	5:00 pm	5:30 pm

How many times has this event been hosted before?

1st time 2 - 4 times 5 or more times Location: Same area

(9b)



City of Waxahachie
City Secretary's Office

Special Event Application

Choose the best description of the event:

- Festival
- Birthday Party / Picnic
- Movie Screening
- Charitable / Fundraising
- Parade
- Community / Neighborhood
- Private Event
- Concert / Live Performance
- Run / Walk
- Other: Vendor market

Event activities include (check all that apply):

- Amusement rides / Inflatables
- Food – sampled, served, or sold
- Animals / Petting Zoo
- Products / Services – given away, sampled, or sold
- Announcement / Speeches
- Live music
- Information / Literature Distribution
- Street closure
- DJ / Recorded Music
- Other:

The event is:

- Private
- Free & open to the general public
- Entry by participation or registration fee
- Entry by admission fee or ticket

Admission information, if applicable:

Include entry or participant fees, ticket prices, donations, and / or fees based on activity.

Run / Walk:

Please provide the start time for each distance (if applicable)

_____ 1 mile _____ 5K _____ Other distance

Please indicate your expected attendance: _____

Number of participants:

- 1-99
- 100-199
- 200-299
- 300+

Provide route on attached site map.



Food / Beverage:

Will the event offer food/beverages? Yes No

Will event require any food preparation on-site? Yes No

Will alcohol be served/sold? Yes No

Code of Ordinances Ch. 4 Sec. 4-7 Alcohol at approved festivals and events

If alcohol is served/sold, a licensed peace officer(s) must be onsite throughout the event's operation and outside the perimeter to provide security. Events require one officer with an additional officer per 100 guests. Ex.: <100 attendees would require one officer, 100<200 attendees would require two officers, 200<300 attendees would require three officers, etc.

Police / Security Services:

Personnel needs (indicate all that apply) Request for services is not a guarantee that staff/volunteers will be available.

Event staff How many: _____ Date(s) & time(s): _____

Volunteers How many: _____ Date(s) & time(s): _____

Private security How many: _____ Date(s) & time(s): _____

Company name: _____

Contact name and number: _____

Off duty police How many: _____ Date(s) & time(s): _____

Have you made arrangements with the police? Yes No

If no, you will be provided the information on how to make arrangements.

If yes, please provide following information for the person that you made the arrangements with:

Contact name: _____ Phone number: _____

Street Closures:

Does the event propose closing, blocking, or using City streets and/or parking lots? Yes No

If yes, please list all streets, intersections, and parking lots that apply: _____

100 block of W. Franklin; 100 block of N. College

Street closings to begin on date: 5.11.24 Start time: 6:00 am End time: 6:00 pm

Will any businesses be impacted by the proposed road closure? Yes No

City Equipment:

Are you requesting the use of City equipment? Yes No

Availability is not guaranteed

Streets cannot be blocked without prior approval.

If yes, indicate the type of equipment and how many will be used (estimated):

Traffic Cones How many: _____ Barricades How many: 4



(5b)

Other:

Where should equipment be dropped off & picked up? Pocket park on W. Franklin/N. College

When will the equipment be set-up?

Date: 5.11.24

Time: 6:00 am

When will the equipment be removed?

Date: 5.11.24

Time: 6:00 pm

Temporary Tents & Structures:

Will the event have a tent(s) larger than 10' x 20'?

Yes

No

List the # of tents & sizes:

Indicate locations on attached required site map.

Electrical Services:

How will electrical services be supplied?

Generator

Franchise Utilities

Both

List contractor / supplier:

Explain services in detail:

All events taking place on City of Waxahachie property must provide a certificate of liability insurance and endorsement page. The City of Waxahachie must be listed as an "Additional Insured" in the amount of \$1 million on both pages. Please list the date of the event and location on this certificate and submit at least one month before the event. The City of Waxahachie reserves the right to increase the insurance limits based on the nature and degree of risks to the public.

If you have questions regarding City insurance coverage, please inquire with City of Waxahachie staff after submitting your event application.

Applicant / organization shall assume all risks incident to or in connection with the approved activity and shall be solely responsible for damage or injury, of whatever kind or nature, to person or property, directly or indirectly arising out of or in connection with the approved activity or the conduct of applicant's operation. Applicant hereby expressly agrees to defend and save the City, it's officers, agents, employees and representatives harmless from any penalties for violation of any law, ordinance, or regulation affecting its activity and from any and all claims, suits, losses, damages or injuries directly or indirectly out of or in connection with the approved activities or conduct of its operation or resulting from the negligence or intentional acts or omissions of applicant or its officers, agents, and employees. Due to Covid-19, I also understand approval of my event is subject to the then current necessary precautions resulting from Covid case trends as well as any change in accordance with federal, state or local orders. Furthermore, by signing this application, applicant hereby agrees to waive any and all claims that applicant may have against the City, it's officers, agents, employees, and representatives arising out of or in connection with the revocation or cancellation of an event permit.

Amy Waters
Signature

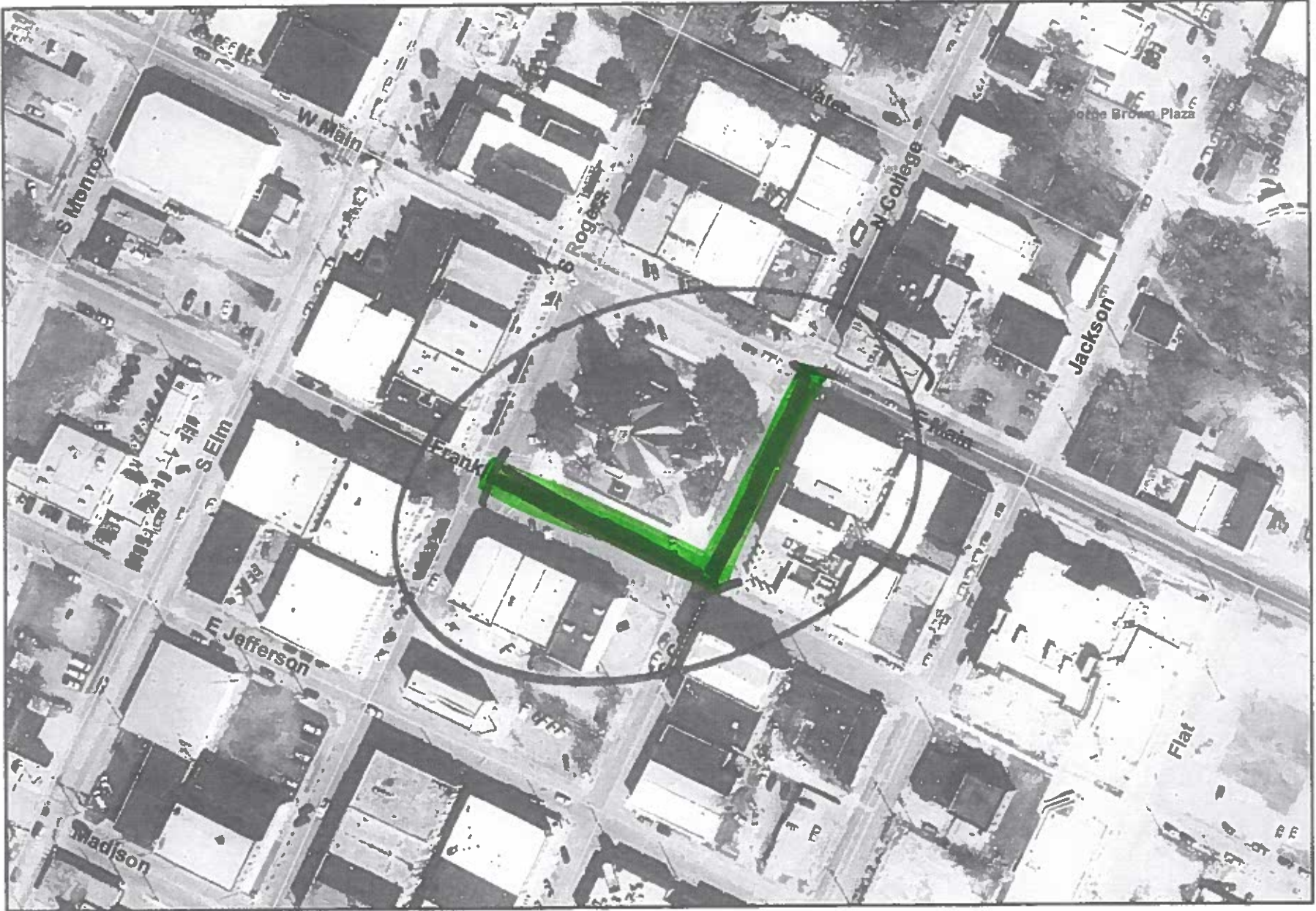
4-3-24
Date

Applicant / organization has thoroughly read, understands, and agrees to all conditions listed on this application.

Amy Waters
Signature

4-3-24
Date

Email completed Special Events Application and site map to Jami Bonner at Jami.Bonner@waxahachie.com.



(95)



(5c)



City of Waxahachie
City Secretary's Office

Special Event Application

Date submitted: April 15, 2024

Applicant Information

Applicant name: Wanesha Taylor

Are you representing the host organization?

Yes

No

Will you be the on-site point of contact during the event?

Yes

No

Phone: [redacted] Cell: [redacted]

Email: [redacted]

Mailing address: 303 Perry Ave

Host organization name: Wanesha Taylor

Alternate contact that will be on-site during the event.

On-site contact name: Heiandre Henderson Cell: [redacted]

About the Event

Event name: Dripstar Day

Location: 404 Betzenlander Street, Waxahachie TX 75165

An event site map is **REQUIRED** to be submitted with your application.

Anticipated attendance: 80 people

Description of event: Celebration of life

How many times has this event been hosted before?

1st time

2 - 4 times

5 or more times

Location:

Choose the best description of the event:

- Festival
- Movie Screening
- Parade
- Private Event
- Run / Walk

- Birthday Party / Picnic
- Charitable / Fundraising
- Community / Neighborhood
- Concert / Live Performance
- Other:

(50)



City of Waxahachie
City Secretary's Office

Special Event Application

Event activities include (check all that apply):

- Amusement rides / Inflatables
- Animals / Petting Zoo
- Announcement / Speeches
- Information / Literature Distribution
- DJ / Recorded Music
- Food - sampled, served, or sold
- Products / Services - given away, sampled, or sold
- Live music
- Street closure
- Other:

The event is:

- Private
- Free & open to the general public
- Entry by participation or registration fee
- Entry by admission fee or ticket

Admission information, if applicable:

Include entry or participant fees, ticket prices, donations, and / or fees based on activity.

Event timeline:

	Date(s)	Start Time:	End Time:
Event Date	05-18-24	3:30 pm	8:45 pm
Event Set-up			
Event Breakdown			

Run / Walk:

Please provide the start time for each distance (if applicable)

_____ 1 mile _____ 5K _____ Other distance

Please indicate your expected attendance: _____

Number of participants:

- 1-99
- 100-199
- 200-299
- 300+

Provide route on attached site map.

(5c)



City of Waxahachie
City Secretary's Office

Special Event Application

Food / Beverage:

- Will the event offer food/beverages? Yes No
- Will event require any food preparation on-site? Yes No
- Will alcohol be served/sold? Yes No

Sample Downtown Event/Festival Boundary Map

Code of Ordinances Ch. 4 Sec. 4-7 Alcohol at approved festivals and events

If alcohol is served/sold, a licensed peace officer(s) must be onsite throughout the event's operation and outside the perimeter to provide security. Events require one officer with an additional officer per 100 guests. Ex: <100 attendees would require one officer, 100<200 attendees would require two officers, 200<300 attendees would require three officers, etc.

Police / Security Services:

Personnel needs (indicate all that apply) Request for services is not a guarantee that staff/volunteers will be available.

- Event staff How many: _____ Date(s) & time(s): _____
- Volunteers How many: _____ Date(s) & time(s): _____
- Private security How many: _____ Date(s) & time(s): _____

Company name: _____

Contact name and number: _____

Off duty police How many: _____ Date(s) & time(s): _____

Have you made arrangements with the police? Yes No

If no, you will be provided the information on how to make arrangements.

If yes, please provide following information for the person that you made the arrangements with:

Contact name: _____ Phone number: _____

Street Closures:

Does the event propose closing, blocking, or using City streets and/or parking lots? Yes No

If yes, please list all streets, intersections, and parking lots that apply: _____

Street closings to begin on date: _____ Start time: _____ End time: _____

Will any businesses be impacted by the proposed road closure? Yes No

Traffic Safety Equipment:

Does your event require traffic cones or barricades? Yes No

If yes, indicate the type of equipment and how many will be used (estimated):

Traffic Cones How many: _____ Barricades How many: _____

Other: _____

Where should equipment be dropped off & picked up? _____

(5c)



City of Waxahachie
City Secretary's Office

Special Event Application

When will the traffic equipment be set-up?
When will the traffic equipment be removed?
Are you requesting the use of City traffic equipment?
Availability is not guaranteed
Streets cannot be blocked without prior approval.

Date: _____ Time: _____
Date: _____ Time: _____
Yes No

Temporary Tents & Structures:

Will the event have a tent(s) larger than 10' x 20'?
List the # of tents & sizes:
Indicate locations on attached required site map.

Yes No

Electrical Services:

How will electrical services be supplied? Generator Franchise Utilities Both

List contractor / supplier: _____

Explain services in detail:

Insurance

All events taking place on City of Waxahachie property must provide a certificate of liability insurance and endorsement page. The City of Waxahachie must be listed as an "Additional Insured" in the amount of \$1 million on both pages. Please list the date of the event and location on this certificate and submit at least one month before the event. The City of Waxahachie reserves the right to increase the insurance limits based on the nature and degree of risks to the public.

If you have questions regarding City insurance coverage, please inquire with City of Waxahachie staff after submitting your event application.

Hold Harmless Clause

Applicant / organization shall assume all risks incident to or in connection with the approved activity and shall be solely responsible for damage or injury, of whatever kind or nature, to person or property, directly or indirectly arising out of or in connection with the approved activity or the conduct of applicant's operation. Applicant hereby expressly agrees to defend and save the City, it's officers, agents, employees and representatives harmless from any penalties for violation of any law, ordinance, or regulation affecting its activity and from any and all claims, suits, losses, damages or injuries directly or indirectly out of or in connection with the approved activities or conduct of its operation or resulting from the negligence or intentional acts or omissions of applicant or its officers, agents, and employees. Due to Covid-19, I also understand approval of my event is subject to the then current necessary precautions resulting from Covid case trends as well as any change in accordance with federal, state or local orders. Furthermore, by signing this application, applicant hereby agrees to waive any and all claims that applicant may have against the City, it's officers, agents, employees, and representatives arising out of or in connection with the revocation or cancellation of an event permit.

Wendy Jones
Signature

04-15-24
Date

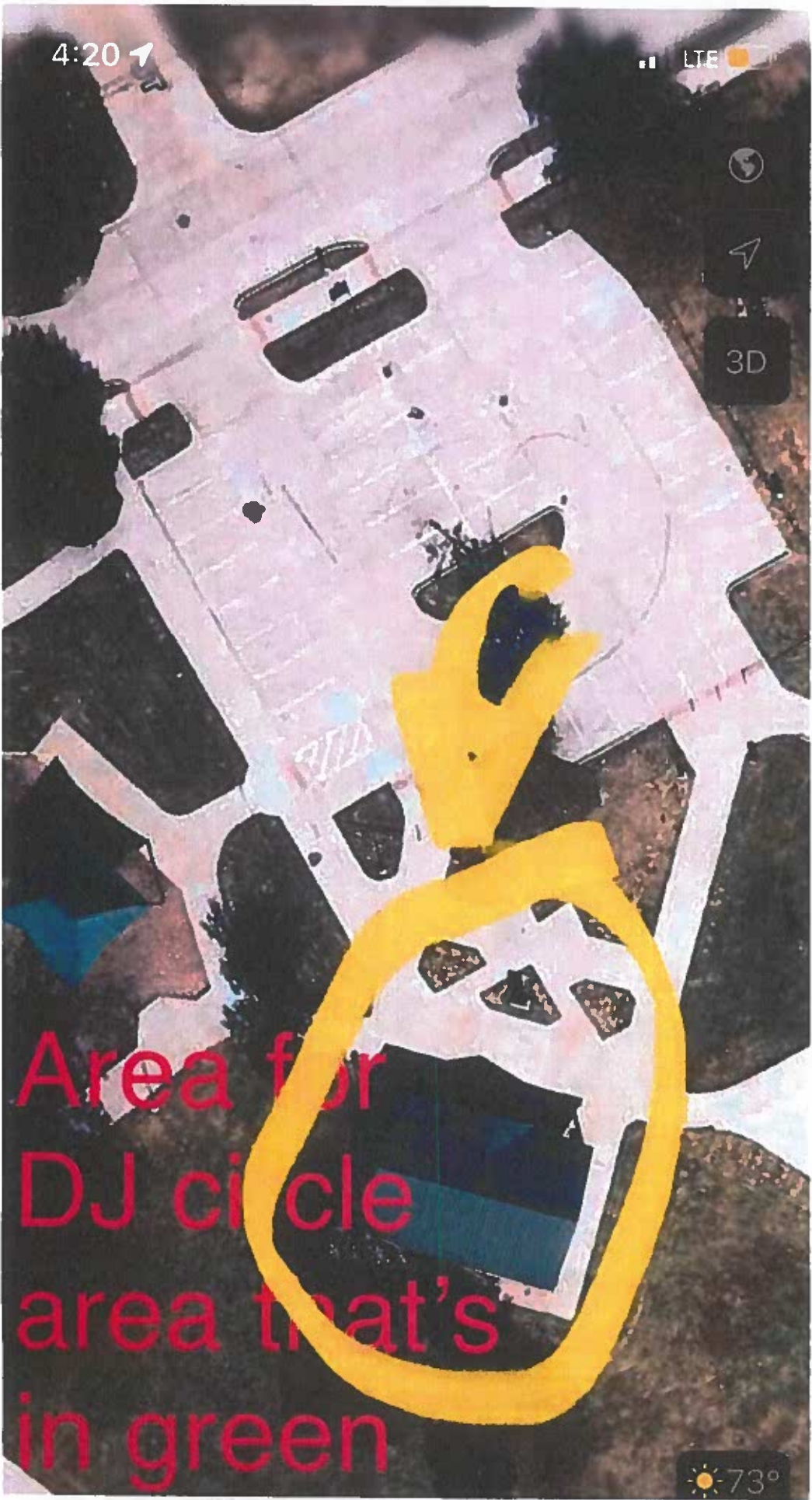
Contract Agreement

Applicant / organization has thoroughly read, understands, and agrees to all conditions listed on this application.

Wendy Jones
Signature

04-15-24
Date

(5c)



Area for
DJ circle
area that's
in green



Date submitted 4/23/24

Applicant Information

Applicant name: Danielle Guinn

Are you representing the host organization? Yes No

Will you be the on-site point of contact during the event? Yes No

Phone: _____ Cell: _____

Email: danielle.guinn@waxahachie.com

Mailing address: 2000 Civic Center Lane, Waxahachie, TX 75165

Host organization name: Railyard Park

Alternate contact that will be on-site during the event.

On-site contact name: _____ Cell: _____

About the Event

Event name: King George's Birthday Bash

Location: Railyard Park

*An event site map is **REQUIRED** to be submitted with your application.*

Anticipated attendance: 500

Description of event: Concert featuring King George - a Tribute to George Strait to celebrate George Strait's Birthday

Live broadcast by 99.5 the Wolf plus food trucks & beer sales, birthday party decor, etc.

How many times has this event been hosted before?

1st time 2 – 4 times 5 or more times Location: _____

Choose the best description of the event:

- | | |
|--|--|
| <input type="checkbox"/> Festival | <input type="checkbox"/> Birthday Party / Picnic |
| <input type="checkbox"/> Movie Screening | <input type="checkbox"/> Charitable / Fundraising |
| <input type="checkbox"/> Parade | <input type="checkbox"/> Community / Neighborhood |
| <input type="checkbox"/> Private Event | <input checked="" type="checkbox"/> Concert / Live Performance |
| <input type="checkbox"/> Run / Walk | <input type="checkbox"/> Other: _____ |



(5d)

Event activities include (check all that apply):

- Amusement rides / Inflatables
- Animals / Petting Zoo
- Announcement / Speeches
- Information / Literature Distribution
- DJ / Recorded Music
- Food – sampled, served, or sold
- Products / Services – given away, sampled, or sold
- Live music
- Street closure
- Other:

The event is:

- Private
- Free & open to the general public
- Entry by participation or registration fee
- Entry by admission fee or ticket

Admission information, if applicable:

Include entry or participant fees, ticket prices, donations, and / or fees based on activity.

Event timeline:

	Date(s)	Start Time:	End Time:
Event Date	5/18/24	7:00pm	10:00pm
Event Set-up	5/18/24	3:00pm	-
Event Breakdown	5/18/24	-	12:00am

Run / Walk:

Please provide the start time for each distance (if applicable)

_____ 1 mile _____ 5K _____ Other distance

Please indicate your expected attendance: _____

Number of participants:

- 1-99
- 100-199
- 200-299
- 300+

Provide route on attached site map.



(5d)

Food / Beverage:

- Will the event offer food/beverages? Yes No
- Will event require any food preparation on-site? Yes No
- Will alcohol be served/sold? Yes No

[Sample Downtown Event/Festival Boundary Map](#)

Code of Ordinances Ch. 4 Sec. 4-7 Alcohol at approved festivals and events

If alcohol is served/sold, a licensed peace officer(s) must be onsite throughout the event's operation and outside the perimeter to provide security. Events require one officer with an additional officer per 100 guests. Ex.: <100 attendees would require one officer, 100<200 attendees would require two officers, 200<300 attendees would require three officers, etc.

Police / Security Services:

Personnel needs (indicate all that apply) Request for services is not a guarantee that staff/volunteers will be available.

- Event staff How many: 2 Date(s) & time(s): 5/18 3pm - 12am
- Volunteers How many: N/A Date(s) & time(s): N/A
- Private security How many: N/A Date(s) & time(s): N/A
- Company name: N/A
- Contact name and number: N/A

- Off duty police How many: 2 Date(s) & time(s): 5/18 7pm - 10pm
- Have you made arrangements with the police? Yes No

If no, you will be provided the information on how to make arrangements.

If yes, please provide following information for the person that you made the arrangements with:

- Contact name: _____ Phone number: _____

Street Closures:

- Does the event propose closing, blocking, or using City streets and/or parking lots? Yes No

If yes, please list all streets, intersections, and parking lots that apply: _____

College Street in front of Railyard Park

- Street closings to begin on date: 5/18 Start time: 5:00pm End time: 11:00pm

- Will any businesses be impacted by the proposed road closure? Yes No

Traffic Safety Equipment:

- Does your event require traffic cones or barricades? Yes No

If yes, indicate the type of equipment and how many will be used (estimated):

- Traffic Cones How many: 0 Barricades How many: 6

Other: N/A

Where should equipment be dropped off & picked up? Railyard Park



City of Waxahachie
City Secretary's Office

(5d)

Special Event Application

When will the traffic equipment be set-up?

Date: 5/18

Time: 5:00pm

When will the traffic equipment be removed?

Date: 5/18

Time: 11:00pm

Are you requesting the use of City traffic equipment?

Yes

No

Availability is not guaranteed

Streets cannot be blocked without prior approval.

Temporary Tents & Structures:

Will the event have a tent(s) larger than 10' x 20'?

Yes

No

List the # of tents & sizes:

Indicate locations on attached required site map.

Electrical Services:

How will electrical services be supplied?

Generator

Franchise Utilities

Both

List contractor / supplier:

Railyard Park

Explain services in detail:

Sound equipment, lights, etc.

Insurance

All events taking place on City of Waxahachie property must provide a certificate of liability insurance and endorsement page. The City of Waxahachie must be listed as an "Additional Insured" in the amount of \$1 million on both pages. Please list the date of the event and location on this certificate and submit at least one month before the event. The City of Waxahachie reserves the right to increase the insurance limits based on the nature and degree of risks to the public.

If you have questions regarding City insurance coverage, please inquire with City of Waxahachie staff after submitting your event application.

Hold Harmless Clause

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Danielle Guinn

Digitally signed by Danielle Guinn
Date: 2024.04.23 11:20:45 -05'00'

4/23/24

Signature

Date

Contract Agreement

Applicant / organization has thoroughly read, understands, and agrees to all conditions listed on this application.

Danielle Guinn

Digitally signed by Danielle Guinn
Date: 2024.04.23 11:20:53 -05'00'

4/23/24

Signature

Date

RAILYARD

PARK



**PUBLIC
PARKING**

STAGE

(5d)

FOOD TRUCK PARKING

RYP TENT



**ROAD CLOSURE
BARRICADE**

PORT A POTTIES



**ROAD CLOSURE
BARRICADE**

**RAILYARD PARK
455 S. COLLEGE STREET
WAXAHACHIE, TX 75165**

COLLEGE STREET



(5c)

Date submitted 4/23/24

Applicant Information

Applicant name: Danielle Guinn

Are you representing the host organization? Yes No

Will you be the on-site point of contact during the event? Yes No

Phone: _____ Cell: _____

Email: danielle.guinn@waxahachie.com

Mailing address: 2000 Civic Center Lane, Waxahachie, TX 75165

Host organization name: Railyard Park

Alternate contact that will be on-site during the event.

On-site contact name: _____ Cell: _____

About the Event

Event name: Barbie Movie Night

Location: Railyard Park

*An event site map is **REQUIRED** to be submitted with your application.*

Anticipated attendance: 300

Description of event: Barbie Movie Night with Food Trucks

How many times has this event been hosted before?

1st time 2 – 4 times 5 or more times Location: _____

Choose the best description of the event:

- | | |
|---|---|
| <input type="checkbox"/> Festival | <input type="checkbox"/> Birthday Party / Picnic |
| <input checked="" type="checkbox"/> Movie Screening | <input type="checkbox"/> Charitable / Fundraising |
| <input type="checkbox"/> Parade | <input type="checkbox"/> Community / Neighborhood |
| <input type="checkbox"/> Private Event | <input type="checkbox"/> Concert / Live Performance |
| <input type="checkbox"/> Run / Walk | <input type="checkbox"/> Other: _____ |

(5e)



City of Waxahachie
City Secretary's Office

Special Event Application

Event activities include (check all that apply):

- Amusement rides / Inflatables
- Animals / Petting Zoo
- Announcement / Speeches
- Information / Literature Distribution
- DJ / Recorded Music
- Food – sampled, served, or sold
- Products / Services – given away, sampled, or sold
- Live music
- Street closure
- Other:

The event is:

- Private
- Free & open to the general public
- Entry by participation or registration fee
- Entry by admission fee or ticket

Admission information, if applicable:

Include entry or participant fees, ticket prices, donations, and / or fees based on activity.

Event timeline:

	Date(s)	Start Time:	End Time:
Event Date	6/1/24	7:30pm	10:30pm
Event Set-up	6/1/24	5:30pm	-
Event Breakdown	6/1/24	-	11:30pm

Run / Walk:

Please provide the start time for each distance (if applicable)

_____ 1 mile _____ 5K _____ Other distance

Please indicate your expected attendance: _____

Number of participants:

- 1-99
- 100-199
- 200-299
- 300+

Provide route on attached site map.



Food / Beverage:

Will the event offer food/beverages? Yes No

Will event require any food preparation on-site? Yes No

Will alcohol be served/sold? Yes No

[Sample Downtown Event/Festival Boundary Map](#)

Code of Ordinances Ch. 4 Sec. 4-7 Alcohol at approved festivals and events

If alcohol is served/sold, a licensed peace officer(s) must be onsite throughout the event's operation and outside the perimeter to provide security. Events require one officer with an additional officer per 100 guests. Ex.: <100 attendees would require one officer, 100<200 attendees would require two officers, 200<300 attendees would require three officers, etc.

Police / Security Services:

Personnel needs (indicate all that apply) Request for services is not a guarantee that staff/volunteers will be available.

Event staff How many: 2 Date(s) & time(s): 6/1: 5:30pm - 11:30pm

Volunteers How many: N/A Date(s) & time(s): N/A

Private security How many: N/A Date(s) & time(s): N/A

Company name: N/A

Contact name and number: N/A

Off duty police How many: N/A Date(s) & time(s): N/A

Have you made arrangements with the police? Yes No

If no, you will be provided the information on how to make arrangements.

If yes, please provide following information for the person that you made the arrangements with:

Contact name: _____ Phone number: _____

Street Closures:

Does the event propose closing, blocking, or using City streets and/or parking lots? Yes No

If yes, please list all streets, intersections, and parking lots that apply: _____

College Street in front of Railyard Park

Street closings to begin on date: 6/1 Start time: 7:00pm End time: 11:00pm

Will any businesses be impacted by the proposed road closure? Yes No

Traffic Safety Equipment:

Does your event require traffic cones or barricades? Yes No

If yes, indicate the type of equipment and how many will be used (estimated):

Traffic Cones How many: 0 Barricades How many: 6

Other: N/A

Where should equipment be dropped off & picked up? Railyard Park



City of Waxahachie
City Secretary's Office

(5e)

Special Event Application

When will the traffic equipment be set-up?

Date: 6/1

Time: 7:00pm

When will the traffic equipment be removed?

Date: 6/1

Time: 11:00pm

Are you requesting the use of City traffic equipment?

Yes

No

Availability is not guaranteed

Streets cannot be blocked without prior approval.

Temporary Tents & Structures:

Will the event have a tent(s) larger than 10' x 20'?

Yes

No

List the # of tents & sizes:

Indicate locations on attached required site map.

Electrical Services:

How will electrical services be supplied?

Generator

Franchise Utilities

Both

List contractor / supplier:

Railyard Park

Explain services in detail:

Insurance

All events taking place on City of Waxahachie property must provide a certificate of liability insurance and endorsement page. The City of Waxahachie must be listed as an "Additional Insured" in the amount of \$1 million on both pages. Please list the date of the event and location on this certificate and submit at least one month before the event. The City of Waxahachie reserves the right to increase the insurance limits based on the nature and degree of risks to the public.

If you have questions regarding City insurance coverage, please inquire with City of Waxahachie staff after submitting your event application.

Hold Harmless Clause

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Danielle Guinn

Digitally signed by Danielle Guinn
Date: 2024 04 23 11:19:49 -05'00'

4/23/24

Signature

Date

Contract Agreement

Applicant / organization has thoroughly read, understands, and agrees to all conditions listed on this application.

Danielle Guinn

Digitally signed by Danielle Guinn
Date: 2024 04 23 11:23:13 -05'00'

4/23/24

Signature

Date

RAILYARD

PARK



DJ

PROJECTOR

FACE PAINTER

(5e)

RYP TENT

FOOD TRUCK PARKING

PORT A POTTIES

RAILYARD PARK
ON-SITE CONTACT
DANIELLE GUINN
214-463-7815

RAILYARD PARK
455 S. COLLEGE STREET
WAXAHACHIE, TX 75165

COLLEGE STREET



Date submitted 4/11/24

Applicant Information

Applicant name: Danielle Guinn

Are you representing the host organization? Yes No

Will you be the on-site point of contact during the event? Yes No

Phone: _____ Cell: _____

Email: danielle.guinn@waxahachie.com

Mailing address: 2000 Civic Center Lane, Waxahachie, TX 75165

Host organization name: Railyard Park

Alternate contact that will be on-site during the event.

On-site contact name: Monica Boyd Cell: _____

About the Event

Event name: Summer Soul Affair

Location: Railyard Park

An event site map is **REQUIRED** to be submitted with your application.

Anticipated attendance: 1,500

Description of event: The ultimate summer extravaganza featuring two phenomenally soulful live musical acts, a

vibrant array of vendors, tempting food trucks, whimsical face painting, refreshing snow cones, and a DJ to keep the beats flowing all

day long. It is sure to be a fun event for the entire family!

How many times has this event been hosted before?

1st time 2 – 4 times 5 or more times Location: _____

Choose the best description of the event:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Festival | <input type="checkbox"/> Birthday Party / Picnic |
| <input type="checkbox"/> Movie Screening | <input type="checkbox"/> Charitable / Fundraising |
| <input type="checkbox"/> Parade | <input type="checkbox"/> Community / Neighborhood |
| <input type="checkbox"/> Private Event | <input type="checkbox"/> Concert / Live Performance |
| <input type="checkbox"/> Run / Walk | <input type="checkbox"/> Other: _____ |

(5f)



City of Waxahachie
City Secretary's Office

Special Event Application

Event activities include (check all that apply):

- Amusement rides / Inflatables
- Animals / Petting Zoo
- Announcement / Speeches
- Information / Literature Distribution
- DJ / Recorded Music
- Food – sampled, served, or sold
- Products / Services – given away, sampled, or sold
- Live music
- Street closure
- Other:

The event is:

- Private
- Free & open to the general public
- Entry by participation or registration fee
- Entry by admission fee or ticket

Admission information, if applicable:

Include entry or participant fees, ticket prices, donations, and / or fees based on activity.

Event timeline:

	Date(s)	Start Time:	End Time:
Event Date	7/6/24	7:00pm	10:00pm
Event Set-up	7/6/24	2:00pm	-
Event Breakdown	7/6/24	-	12:00am

Run / Walk:

Please provide the start time for each distance (if applicable)

_____ 1 mile _____ 5K _____ Other distance

Please indicate your expected attendance: _____

Number of participants:

- 1-99
- 100-199
- 200-299
- 300+

Provide route on attached site map.



Food / Beverage:

Will the event offer food/beverages? Yes No

Will event require any food preparation on-site? Yes No

Will alcohol be served/sold? Yes No

[Sample Downtown Event/Festival Boundary Map](#)

[Code of Ordinances Ch. 4 Sec. 4-7 Alcohol at approved festivals and events](#)

If alcohol is served/sold, a licensed peace officer(s) must be onsite throughout the event's operation and outside the perimeter to provide security. Events require one officer with an additional officer per 100 guests. Ex.: <100 attendees would require one officer, 100<200 attendees would require two officers, 200<300 attendees would require three officers, etc.

Police / Security Services:

Personnel needs (indicate all that apply) Request for services is not a guarantee that staff/volunteers will be available.

Event staff How many: 2 Date(s) & time(s): 7/6/24 - 2pm-12am

Volunteers How many: N/A Date(s) & time(s): N/A

Private security How many: N/A Date(s) & time(s): N/A

Company name: N/A

Contact name and number: N/A

Off duty police How many: N/A Date(s) & time(s): N/A

Have you made arrangements with the police? Yes No

If no, you will be provided the information on how to make arrangements.

If yes, please provide following information for the person that you made the arrangements with:

Contact name: N/A Phone number: N/A

Street Closures:

Does the event propose closing, blocking, or using City streets and/or parking lots? Yes No

If yes, please list all streets, intersections, and parking lots that apply: _____

College Street in front of Railyard Park

Street closings to begin on date: 7/6/24 Start time: 2:00pm End time: 12:00am

Will any businesses be impacted by the proposed road closure? Yes No

Traffic Safety Equipment:

Does your event require traffic cones or barricades? Yes No

If yes, indicate the type of equipment and how many will be used (estimated):

Traffic Cones How many: N/A Barricades How many: 6

Other: N/A

Where should equipment be dropped off & picked up? Railyard Park



When will the traffic equipment be set-up?

Date: 7/6/24

Time: 2:00pm

When will the traffic equipment be removed?

Date: 7/6/24

Time: 12:00am

Are you requesting the use of City traffic equipment?

Yes

No

Availability is not guaranteed

Streets cannot be blocked without prior approval.

Temporary Tents & Structures:

Will the event have a tent(s) larger than 10' x 20'?

Yes

No

List the # of tents & sizes:

Indicate locations on attached required site map.

Electrical Services:

How will electrical services be supplied?

Generator

Franchise Utilities

Both

List contractor / supplier:

Railyard Park

Explain services in detail:

Bands & DJ sound systems plus power for vendors where needed

Insurance

All events taking place on City of Waxahachie property must provide a certificate of liability insurance and endorsement page. The City of Waxahachie must be listed as an "Additional Insured" in the amount of \$1 million on both pages. Please list the date of the event and location on this certificate and submit at least one month before the event. The City of Waxahachie reserves the right to increase the insurance limits based on the nature and degree of risks to the public.

If you have questions regarding City insurance coverage, please inquire with City of Waxahachie staff after submitting your event application.

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Danielle Guinn

Digitally signed by Danielle Guinn
Date: 2024.04.11 14:54:10 -05'00'

04/11/24

Signature

Date

Contract Agreement

Applicant / organization has thoroughly read, understands, and agrees to all conditions listed on this application.

Danielle Guinn

Digitally signed by Danielle Guinn
Date: 2024.04.11 14:54:18 -05'00'

04/11/24

Signature

Date

RAILYARD

PARK

STAGE
(BANDS & PERFORMERS)

ARTIST PARKING

PUBLIC
PARKING

ENTRANCE TO
LOAD/UNLOAD
(THROUGH GATE)

FOOD TRUCK PARKING

COLLEGE STREET

ROAD CLOSURE
BARRICADE

ROAD CLOSURE
BARRICADE

RAILYARD PARK
455 S. COLLEGE STREET
WAXAHACHIE, TX 75165



(5f)

Bonner, Jami

From: Guinn, Danielle
Sent: Thursday, April 11, 2024 2:24 PM
To: Bonner, Jami; Villarreal, Amber
Subject: RE: Event Application - The Summer Sour Affair 7-6-24

Jami,
Just FYI – this event is being sponsored by the CVB and we will hold all liability, etc. for this event. Laurie just realized it is Kande's name on the application and wanted me to check to see if we needed to fill out a different application with our names on it (for legal or other purposes) instead since it is "our event". K Avett Music Group is the event organizer (Kande Franklin) but we are the event owner & promoter.

Please let me know how to proceed.

Danielle Guinn
Cultural Arts & Programming Manager
Waxahachie Convention & Visitors Bureau
danielle.guinn@waxahachie.com
Office: 469-309-4051
Cell: 214-463-7815
www.visitwaxahachie.com
www.facebook.com/railyardparkwaxahachie

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Thursday, April 11, 2024 2:13 PM
To: Joe Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Donna Insixiengmay <donna.insixiengmay@waxahachiepd.org>; Megan Womack <megan.womack@waxahachiepd.org>; Jordan, Me'Lony <mjordan@waxahachie.com>; Warren, Anthony <anthony.warren@waxahachie.com>; Mosley, Laurie <Imosley@waxahachiecvb.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>
Cc: Scott, Michael <mscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Guinn, Danielle <danielle.guinn@waxahachie.com>
Subject: Event Application - The Summer Sour Affair 7-6-24

For your review / comments. Thank you.

Jami Bonner, TRMC
Assistant City Secretary
City of Waxahachie
Direct (469) 309-4005 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
www.waxahachie.com

We have temporarily relocated to the Charles Beatty Municipal Services Building at 408 S. Rogers St. (across from City Hall)



Date submitted 4/23/24

Applicant Information

Applicant name: Danielle Guinn

Are you representing the host organization? Yes No

Will you be the on-site point of contact during the event? Yes No

Phone: _____ Cell: _____

Email: danielle.guinn@waxahachie.com

Mailing address: 2000 Civic Center Lane, Waxahachie, TX 75165

Host organization name: Railyard Park

Alternate contact that will be on-site during the event.

On-site contact name: _____ Cell: _____

About the Event

Event name: Neon Disco Night

Location: Railyard Park

An event site map is **REQUIRED** to be submitted with your application.

Anticipated attendance: 300

Description of event: Double concert - Disco Queen & Members Only

How many times has this event been hosted before?

1st time 2 - 4 times 5 or more times Location: _____

Choose the best description of the event:

- | | |
|--|--|
| <input type="checkbox"/> Festival | <input type="checkbox"/> Birthday Party / Picnic |
| <input type="checkbox"/> Movie Screening | <input type="checkbox"/> Charitable / Fundraising |
| <input type="checkbox"/> Parade | <input type="checkbox"/> Community / Neighborhood |
| <input type="checkbox"/> Private Event | <input checked="" type="checkbox"/> Concert / Live Performance |
| <input type="checkbox"/> Run / Walk | <input type="checkbox"/> Other: _____ |



Event activities include (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Amusement rides / Inflatables | <input checked="" type="checkbox"/> Food – sampled, served, or sold |
| <input type="checkbox"/> Animals / Petting Zoo | <input checked="" type="checkbox"/> Products / Services – given away, sampled, or sold |
| <input type="checkbox"/> Announcement / Speeches | <input checked="" type="checkbox"/> Live music |
| <input type="checkbox"/> Information / Literature Distribution | <input checked="" type="checkbox"/> Street closure |
| <input type="checkbox"/> DJ / Recorded Music | <input type="checkbox"/> Other: |

The event is:

- | | |
|--|--|
| <input type="radio"/> Private | <input checked="" type="radio"/> Free & open to the general public |
| <input type="radio"/> Entry by participation or registration fee | <input type="radio"/> Entry by admission fee or ticket |

Admission information, if applicable:

Include entry or participant fees, ticket prices, donations, and / or fees based on activity.

Event timeline:

	Date(s)	Start Time:	End Time:
Event Date	7/20/24	6:00pm	10:00pm
Event Set-up	7/20/24	2:00pm	-
Event Breakdown	7/20/24	-	12:00am

Run / Walk:

Please provide the start time for each distance (if applicable)

_____ 1 mile _____ 5K _____ Other distance

Please indicate your expected attendance: _____

Number of participants:

- | | |
|---------|-----------------------|
| 1-99 | <input type="radio"/> |
| 100-199 | <input type="radio"/> |
| 200-299 | <input type="radio"/> |
| 300+ | <input type="radio"/> |

Provide route on attached site map.



Food / Beverage:

Will the event offer food/beverages? Yes No

Will event require any food preparation on-site? Yes No

Will alcohol be served/sold? Yes No

[Sample Downtown Event/Festival Boundary Map](#)

[Code of Ordinances Ch. 4 Sec. 4-7 Alcohol at approved festivals and events](#)

If alcohol is served/sold, a licensed peace officer(s) must be onsite throughout the event's operation and outside the perimeter to provide security. Events require one officer with an additional officer per 100 guests. Ex.: <100 attendees would require one officer, 100<200 attendees would require two officers, 200<300 attendees would require three officers, etc.

Police / Security Services:

Personnel needs (indicate all that apply) Request for services is not a guarantee that staff/volunteers will be available.

Event staff How many: 2 Date(s) & time(s): 7/20: 2:00pm - 12:00am

Volunteers How many: N/A Date(s) & time(s): N/A

Private security How many: N/A Date(s) & time(s): N/A

Company name: N/A

Contact name and number: N/A

Off duty police How many: N/A Date(s) & time(s): N/A

Have you made arrangements with the police? Yes No

If no, you will be provided the information on how to make arrangements.

If yes, please provide following information for the person that you made the arrangements with:

Contact name: Phone number:

Street Closures:

Does the event propose closing, blocking, or using City streets and/or parking lots? Yes No

If yes, please list all streets, intersections, and parking lots that apply: _____

College Street in front of Railyard Park

Street closings to begin on date: 7/20 Start time: 5:00pm End time: 11:00pm

Will any businesses be impacted by the proposed road closure? Yes No

Traffic Safety Equipment:

Does your event require traffic cones or barricades? Yes No

If yes, indicate the type of equipment and how many will be used (estimated):

Traffic Cones How many: 0 Barricades How many: 6

Other: N/A

Where should equipment be dropped off & picked up? Railyard Park



City of Waxahachie
City Secretary's Office

(59)

Special Event Application

When will the traffic equipment be set-up?
When will the traffic equipment be removed?
Are you requesting the use of City traffic equipment?

Date: 7/20 Time: 5:00pm
Date: 7/20 Time: 11:00pm
Yes No

Availability is not guaranteed

Streets cannot be blocked without prior approval.

Temporary Tents & Structures:

Will the event have a tent(s) larger than 10' x 20'? Yes No

List the # of tents & sizes:

Indicate locations on attached required site map.

Electrical Services:

How will electrical services be supplied? Generator Franchise Utilities Both

List contractor / supplier: Railyard Park

Explain services in detail:

Insurance

All events taking place on City of Waxahachie property must provide a certificate of liability insurance and endorsement page. The City of Waxahachie must be listed as an "Additional Insured" in the amount of \$1 million on both pages. Please list the date of the event and location on this certificate and submit at least one month before the event. The City of Waxahachie reserves the right to increase the insurance limits based on the nature and degree of risks to the public.

If you have questions regarding City insurance coverage, please inquire with City of Waxahachie staff after submitting your event application.

Hold Harmless Clause

Applicant / organization shall assume all risks incident to or in connection with the approved activity and shall be solely responsible for damage or injury, of whatever kind or nature, to person or property, directly or indirectly arising out of or in connection with the approved activity or the conduct of applicant's operation. Applicant hereby expressly agrees to defend and save the City, it's officers, agents, employees and representatives harmless from any penalties for violation of any law, ordinance, or regulation affecting its activity and from any and all claims, suits, losses, damages or injuries directly or indirectly out of or in connection with the approved activities or conduct of its operation or resulting from the negligence or intentional acts or omissions of applicant or its officers, agents, and employees. Due to Covid-19, I also understand approval of my event is subject to the then current necessary precautions resulting from Covid case trends as well as any change in accordance with federal, state of local orders. Furthermore, by signing this application, applicant hereby agrees to waive any and all claims that applicant may have against the City, it's officers, agents, employees, and representatives arising out of or in connection with the revocation or cancellation of an event permit.

Danielle Guinn

Digitally signed by Danielle Guinn
Date: 2024.04.23 11:45:46 -05'00'

4/23/24

Signature

Date

Contract Agreement

Applicant / organization has thoroughly read, understands, and agrees to all conditions listed on this application.

Danielle Guinn

Digitally signed by Danielle Guinn
Date: 2024.04.23 11:45:54 -05'00'

4/23/24

Signature

Date

RAILYARD

PARK



**PUBLIC
PARKING**

STAGE

(59)

FOOD TRUCK PARKING

RYP TENT



**ROAD CLOSURE
BARRICADE**

PORT A POTTIES



**ROAD CLOSURE
BARRICADE**

**RAILYARD PARK
455 S. COLLEGE STREET
WAXAHACHIE, TX 75165**

COLLEGE STREET



(5h)

Date submitted 4/23/24

Applicant Information

Applicant name: Danielle Guinn

Are you representing the host organization? Yes No

Will you be the on-site point of contact during the event? Yes No

Phone: _____ Cell: _____

Email: danielle.guinn@waxahachie.com

Mailing address: 2000 Civic Center Lane, Waxahachie, TX 75165

Host organization name: Railyard Park

Alternate contact that will be on-site during the event.

On-site contact name: _____ Cell: _____

About the Event

Event name: Taylor Swift Concert Experience

Location: Railyard Park

*An event site map is **REQUIRED** to be submitted with your application.*

Anticipated attendance: 500

Description of event: Taylor Swift cover/tribute band Reputation live in concert

How many times has this event been hosted before?

1st time 2 – 4 times 5 or more times Location: _____

Choose the best description of the event:

- | | |
|--|--|
| <input type="checkbox"/> Festival | <input type="checkbox"/> Birthday Party / Picnic |
| <input type="checkbox"/> Movie Screening | <input type="checkbox"/> Charitable / Fundraising |
| <input type="checkbox"/> Parade | <input type="checkbox"/> Community / Neighborhood |
| <input type="checkbox"/> Private Event | <input checked="" type="checkbox"/> Concert / Live Performance |
| <input type="checkbox"/> Run / Walk | <input type="checkbox"/> Other: _____ |



Event activities include (check all that apply):

- Amusement rides / Inflatables
- Animals / Petting Zoo
- Announcement / Speeches
- Information / Literature Distribution
- DJ / Recorded Music
- Food – sampled, served, or sold
- Products / Services – given away, sampled, or sold
- Live music
- Street closure
- Other:

The event is:

- Private
- Free & open to the general public
- Entry by participation or registration fee
- Entry by admission fee or ticket

Admission information, if applicable:

Include entry or participant fees, ticket prices, donations, and / or fees based on activity.

Event timeline:

	Date(s)	Start Time:	End Time:
Event Date	8/3/24	7:00pm	10:00pm
Event Set-up	8/3/24	3:00pm	-
Event Breakdown	8/3/24	-	12:00am

Run / Walk:

Please provide the start time for each distance (if applicable)

_____ 1 mile _____ 5K _____ Other distance

Please indicate your expected attendance: _____

Number of participants:

- 1-99
- 100-199
- 200-299
- 300+

Provide route on attached site map.



(5h)

Food / Beverage:

Will the event offer food/beverages? Yes No

Will event require any food preparation on-site? Yes No

Will alcohol be served/sold? Yes No

[Sample Downtown Event/Festival Boundary Map](#)

[Code of Ordinances Ch. 4 Sec. 4-7 Alcohol at approved festivals and events](#)

If alcohol is served/sold, a licensed peace officer(s) must be onsite throughout the event's operation and outside the perimeter to provide security. Events require one officer with an additional officer per 100 guests. Ex.: <100 attendees would require one officer, 100<200 attendees would require two officers, 200<300 attendees would require three officers, etc.

Police / Security Services:

Personnel needs (indicate all that apply) Request for services is not a guarantee that staff/volunteers will be available.

Event staff How many: 2 Date(s) & time(s): 8/3: 3:00pm - 12:00am

Volunteers How many: N/A Date(s) & time(s): N/A

Private security How many: N/A Date(s) & time(s): N/A

Company name: N/A

Contact name and number: N/A

Off duty police How many: N/A Date(s) & time(s): N/A

Have you made arrangements with the police? Yes No

If no, you will be provided the information on how to make arrangements.

If yes, please provide following information for the person that you made the arrangements with:

Contact name: _____ Phone number: _____

Street Closures:

Does the event propose closing, blocking, or using City streets and/or parking lots? Yes No

If yes, please list all streets, intersections, and parking lots that apply: _____

College Street in front of Railyard Park

Street closings to begin on date: 8/3 Start time: 6:00pm End time: 11:00pm

Will any businesses be impacted by the proposed road closure? Yes No

Traffic Safety Equipment:

Does your event require traffic cones or barricades? Yes No

If yes, indicate the type of equipment and how many will be used (estimated):

Traffic Cones How many: 0 Barricades How many: 6

Other: N/A

Where should equipment be dropped off & picked up? Railyard Park



City of Waxahachie
City Secretary's Office

Special Event Application

(5h)

When will the traffic equipment be set-up?

Date: 8/3

Time: 6:00pm

When will the traffic equipment be removed?

Date: 8/3

Time: 11:00pm

Are you requesting the use of City traffic equipment?

Yes

No

Availability is not guaranteed

Streets cannot be blocked without prior approval.

Temporary Tents & Structures:

Will the event have a tent(s) larger than 10' x 20'?

Yes

No

List the # of tents & sizes:

Indicate locations on attached required site map.

Electrical Services:

How will electrical services be supplied?

Generator

Franchise Utilities

Both

List contractor / supplier:

Railyard Park

Explain services in detail:

Insurance

All events taking place on City of Waxahachie property must provide a certificate of liability insurance and endorsement page. The City of Waxahachie must be listed as an "Additional Insured" in the amount of \$1 million on both pages. Please list the date of the event and location on this certificate and submit at least one month before the event. The City of Waxahachie reserves the right to increase the insurance limits based on the nature and degree of risks to the public.

If you have questions regarding City insurance coverage, please inquire with City of Waxahachie staff after submitting your event application.

Hold Harmless Clause

Applicant / organization shall assume all risks incident to or in connection with the approved activity and shall be solely responsible for damage or injury, of whatever kind or nature, to person or property, directly or indirectly arising out of or in connection with the approved activity or the conduct of applicant's operation. Applicant hereby expressly agrees to defend and save the City, it's officers, agents, employees and representatives harmless from any penalties for violation of any law, ordinance, or regulation affecting its activity and from any and all claims, suits, losses, damages or injuries directly or indirectly out of or in connection with the approved activities or conduct of its operation or resulting from the negligence or intentional acts or omissions of applicant or its officers, agents, and employees. Due to Covid-19, I also understand approval of my event is subject to the then current necessary precautions resulting from Covid case trends as well as any change in accordance with federal, state of local orders. Furthermore, by signing this application, applicant hereby agrees to waive any and all claims that applicant may have against the City, it's officers, agents, employees, and representatives arising out of or in connection with the revocation or cancellation of an event permit.

Danielle Guinn

Digitally signed by Danielle Guinn
Date: 2024.04.23 11:34:32 -05'00'

4/23/24

Signature

Date

Contract Agreement

Applicant / organization has thoroughly read, understands, and agrees to all conditions listed on this application.

Danielle Guinn

Digitally signed by Danielle Guinn
Date: 2024.04.23 11:34:48 -05'00'

4/23/24

Signature

Date

THE RAILYARD

PARK

STAGE



PUBLIC
PARKING

(5h)

FOOD TRUCK PARKING

RYP TENT



ROAD CLOSURE
BARRICADE

PORT A POTTIES



ROAD CLOSURE
BARRICADE

RAILYARD PARK
455 S. COLLEGE STREET
WAXAHACHIE, TX 75165

COLLEGE STREET



Date submitted _____

Applicant Information

Applicant name: Elizabeth Nelson Tull

Are you representing the host organization? Yes No

Will you be the on-site point of contact during the event? Yes No

Phone: _____ Cell: _____

Email: _____ Waxahachie TX 75165

Mailing address: 136 Mustang Creek Dr

Host organization name: Rebecca Boyle Chapter, Daughters of the American Revolution

Alternate contact that will be on-site during the event.

On-site contact name: Vicki Williams Cell: _____

About the Event

Event name: Service to America Blood Drive with Carter Bloodcare

Location: North ~~South~~ East Corner of College St at Franklin
An event site map is **REQUIRED** to be submitted with your application.

Anticipated attendance: _____

Description of event: Community Blood Drive

How many times has this event been hosted before?

1st time 2 - 4 times 5 or more times Location: _____

Choose the best description of the event:

Festival

Birthday Party / Picnic

Movie Screening

Charitable / Fundraising

Parade

Community / Neighborhood

Private Event

Concert / Live Performance

Run / Walk

Other: Blood Drive



Event activities include (check all that apply):

- Amusement rides / Inflatables
- Animals / Petting Zoo
- Announcement / Speeches
- Information / Literature Distribution
- DJ / Recorded Music
- Food – sampled, served, or sold
- Products / Services – given away, sampled, or sold
- Live music
- Street closure
- Other:

The event is:

- Private
- Free & open to the general public
- Entry by participation or registration fee
- Entry by admission fee or ticket

Admission information, if applicable:

Include entry or participant fees, ticket prices, donations, and / or fees based on activity.

Event timeline:

	Date(s)	Start Time:	End Time:
Event Date	10/12/2024	8:00 (setup) 3:30 pm	
Event Set-up	By 8:00am		
Event Breakdown			

Run / Walk:

Please provide the start time for each distance (if applicable)

N/A 1 mile N/A 5K N/A Other distance

Please indicate your expected attendance:

Hoping for 35 donors

Number of participants:

- 1-99
- 100-199
- 200-299
- 300+

Provide route on attached site map.



Food / Beverage:

Will the event offer food/beverages? Yes No

Will event require any food preparation on-site? Yes No

Will alcohol be served/sold? Yes No

[Sample Downtown Event/Festival Boundary Map](#)

[Code of Ordinances Ch. 4 Sec. 4-7 Alcohol at approved festivals and events](#)

If alcohol is served/sold, a licensed peace officer(s) must be onsite throughout the event's operation and outside the perimeter to provide security. Events require one officer with an additional officer per 100 guests. Ex.: <100 attendees would require one officer, 100<200 attendees would require two officers, 200<300 attendees would require three officers, etc.

Police / Security Services:

Personnel needs (indicate all that apply) Request for services is not a guarantee that staff/volunteers will be available.

Event staff How many: 0 Date(s) & time(s): _____

Volunteers How many: 0 Date(s) & time(s): _____

Private security How many: 0 Date(s) & time(s): _____

Company name: N/A

Contact name and number: N/A

Off duty police How many: N/A Date(s) & time(s): _____

Have you made arrangements with the police? Yes No

If no, you will be provided the information on how to make arrangements.

If yes, please provide following information for the person that you made the arrangements with:

Contact name: _____ Phone number: _____

Street Closures:

Does the event propose closing, blocking, or using City streets and/or parking lots? Yes No
 If yes, please list all streets, intersections, and parking lots that apply: Temporarily use of 5 parking places
North east corner of College St at Franklin (Pocket Park)

Street closings to begin on date: _____ Start time: _____ End time: _____

Will any businesses be impacted by the proposed road closure? Yes No

Traffic Safety Equipment:

Does your event require traffic cones or barricades? Yes No

If yes, indicate the type of equipment and how many will be used (estimated):

Traffic Cones How many: 7 Barricades How many: _____

Other: North East Corner of College St & Franklin

Where should equipment be dropped off & picked up?
(5) Five Parking Places for Bus & 2 for Volunteers



(51)

When will the traffic equipment be set-up?
When will the traffic equipment be removed?
Are you requesting the use of City traffic equipment?

Date: 10/12/2021 Time: Before 7:00 am
Date: " Time: By 4:00 Cones on Sidewalk
Yes No

Availability is not guaranteed
Streets cannot be blocked without prior approval.

Temporary Tents & Structures:

Will the event have a tent(s) larger than 10' x 20'? Yes No

List the # of tents & sizes:
Indicate locations on attached required site map.

Electrical Services:

How will electrical services be supplied? Generator Franchise Utilities Both

List contractor / supplier: Generator on Blood mobile

Explain services in detail:

Insurance

All events taking place on City of Waxahachie property must provide a certificate of liability insurance and endorsement page. The City of Waxahachie must be listed as an "Additional Insured" in the amount of \$1 million on both pages. Please list the date of the event and location on this certificate and submit at least one month before the event. The City of Waxahachie reserves the right to increase the insurance limits based on the nature and degree of risks to the public.

If you have questions regarding City insurance coverage, please inquire with City of Waxahachie staff after submitting your event application.

Hold Harmless Clause

Applicant / organization shall assume all risks incident to or in connection with the approved activity and shall be solely responsible for damage or injury, of whatever kind or nature, to person or property, directly or indirectly arising out of or in connection with the approved activity or the conduct of applicant's operation. Applicant hereby expressly agrees to defend and save the City, it's officers, agents, employees and representatives harmless from any penalties for violation of any law, ordinance, or regulation affecting its activity and from any and all claims, suits, losses, damages or injuries directly or indirectly out of or in connection with the approved activities or conduct of its operation or resulting from the negligence or intentional acts or omissions of applicant or its officers, agents, and employees. Due to Covid-19, I also understand approval of my event is subject to the then current necessary precautions resulting from Covid case trends as well as any change in accordance with federal, state or local orders. Furthermore, by signing this application, applicant hereby agrees to waive any and all claims that applicant may have against the City, it's officers, agents, employees, and representatives arising out of or in connection with the revocation or cancellation of an event permit.

Ephraim N. Tread
Signature

4-3-2024
Date

Contract Agreement

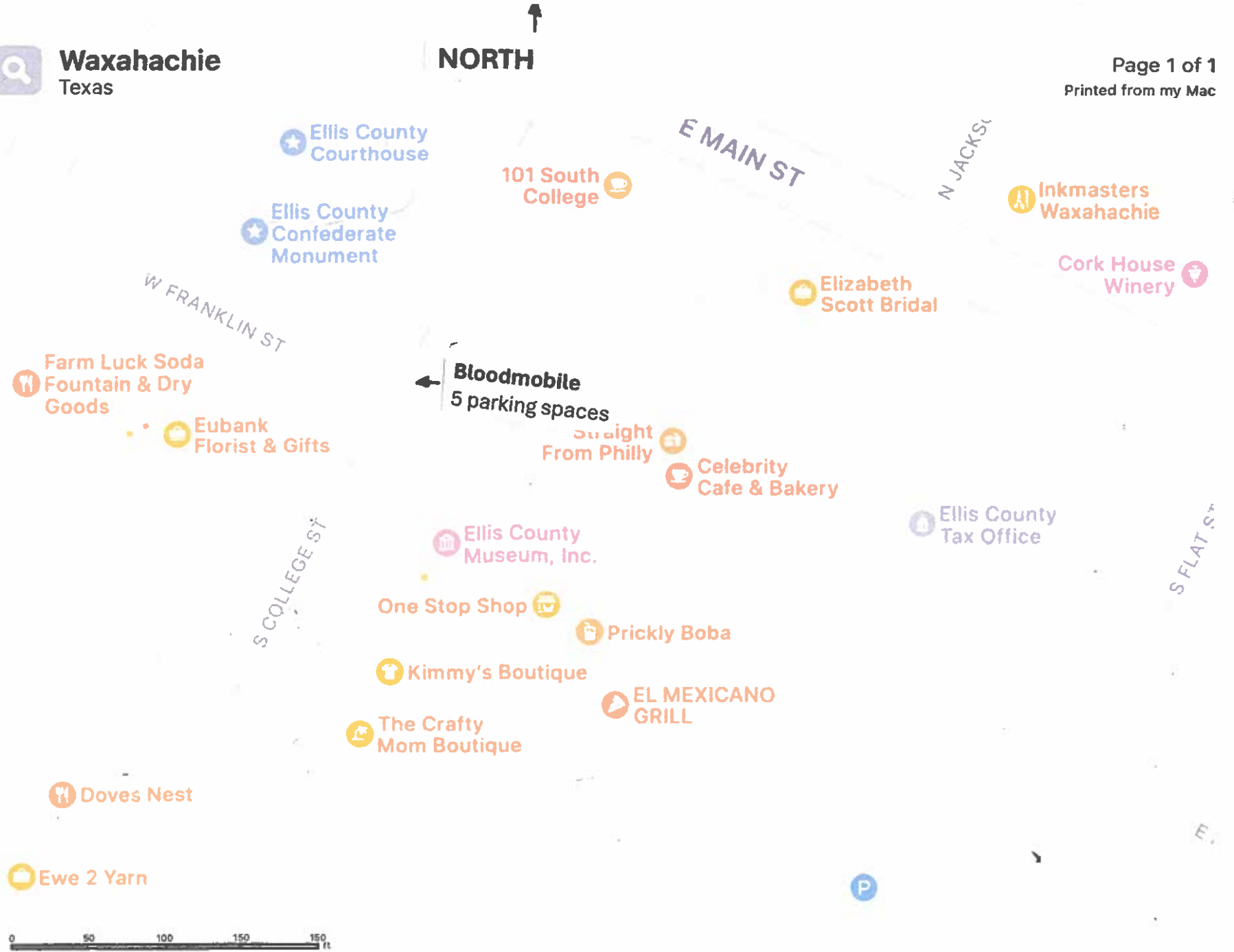
Applicant / organization has thoroughly read, understands, and agrees to all conditions listed on this application.

Ephraim N. Tread
Signature

4-3-2024
Date

(5i)





(5j)



Memorandum

To: Honorable Mayor and City Council

From: Joe Wiser, Chief of Police

Thru: Michael Scott, City Manager

Date: May 6, 2024

Re: Budget amendment- insurance reimbursement for repaired police vehicles

Recommended Motion: "I move to approve the request to reimburse funds in the amount of \$44,689.00 into the Police Department FY24 budget from insurance repayments related to the repairs made to three police vehicles, and authorize the City Manager to execute all necessary documents."

Item Description: Consider the approval of a budget transfer related to insurance funds reimbursed to the general fund for repairs to police vehicles.

Item Summary: This is a request for a budget amendment, (transfer), that will allow the police department to recuperate insurance reimbursement funds used to repair police vehicles. Three Patrol units were damaged while being used to perform law enforcement duties. Expenses related to these repairs are paid out of the vehicle maintenance account 100-210-54340 and have been repaid to the City from insurance claims on these vehicles.

Fiscal Impact: I am requesting that the \$44,689.00 be reimbursed back into 100-210-54340 – Maintenance Purchased – Vehicles, resulting in a budget increase of the same amount. This increase will have a net zero effect.

(5K)



Memorandum

To: Honorable Mayor and City Council
From: Gumaro Martinez, Executive Director of Parks & Leisure Services
Thru: Michael Scott, City Manager
Date: May 6, 2024
Re: Consider Approval of Sports Facilities Advisory, LLC Service Agreement and Supplemental Appropriation from the General Fund Balance Reserves

Recommended Motion: "I move to approve the service agreement with Sports Facilities Advisory, LLC and also approve a supplemental appropriation in the amount of \$80,000 from General Fund balance reserves, and authorize the City Manager to execute all necessary documents."

Item Description: Consider approving a consultant service agreement from Sports Facilities Advisory, LLC for the feasibility and market analysis related to a new recreational facility. Additionally, consider approval of an \$80,000 supplemental appropriation from the General Fund balance reserves to cover the costs associated with the services provided per the agreement.

Item Summary: At the City Council work session held on April 11, 2024, the Council entertained a presentation from a consultant of Sports Facilities Advisory, LLC, detailing the services they are able to provide regarding the evaluation and planning for a new recreational facility. There was general consensus by Council to move forward and engage a firm to assist with the process of conducting a feasibility and market analysis.

The proposed professional services agreement fee is \$73,500, plus reimbursable travel expenses, if applicable. The scope of services includes a project kick-off for information gathering, review of existing data and market analysis, an onsite development planning session, existing facility analysis and opinion of cost for improvements, new facility recommendations with programming and opinion of cost for development, a detailed financial forecast, and an economic impact analysis.

(5k)

The cost of the proposed service agreement was not budgeted for FY24. Thus, a supplemental appropriation from the General Fund reserve balance is presented for your consideration in the amount of \$80,000. The additional funds of \$6,500, above the service agreement fee, would serve as a contingency to cover the consultant's reimbursable travel expenses, if necessary.

Fiscal Impact: The General Fund balance reserves have sufficient capacity to cover the expenditures associated with the service agreement. The expenditures will be tracked in account 100-510-53200 - Professional Services.

(7)

PROCLAMATION

WHEREAS, our city is committed to recognizing that our growth and strength depends on the safety and essential role our homes, buildings and infrastructure play, both in everyday life and when disasters strike; and

WHEREAS, our confidence in the resilience of these buildings that make up our community is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers, plumbers and others in the construction industry—who work year-round to ensure the safe construction of buildings; and

WHEREAS, these guardians are dedicated members of the International Code Council, a nonprofit that brings together local, state, territorial, tribal and federal officials who are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work and play; and

WHEREAS, these modern building codes include safeguards to protect the public from hazards such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquakes; and

WHEREAS, Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities' largely unknown protectors of public safety—our local code officials—who assure us of safe, sustainable and affordable buildings that are essential to our prosperity; and

WHEREAS, “Mission Possible,” the theme for Building Safety Month 2024, encourages us all to raise awareness about building safety on a personal, local and global scale; and

WHEREAS, each year, in observance of Building Safety Month, people all over the world are asked to consider the commitment to improve building safety, resilience and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

NOW, THEREFORE, be it resolved that I, David Hill, Mayor of the City of Waxahachie, along with the entire City Council, do hereby proclaim May 2024 as

“Building Safety Month”

in Waxahachie, Texas, and encourage all citizens to join us as we participate in Building Safety Month activities.

Proclaimed this 6th day of May 2024.

Mayor

ATTEST:

City Secretary

PROCLAMATION

WHEREAS, the Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

WHEREAS, the Office of the Professional Municipal Clerk is the oldest among public servants; and

WHEREAS, the Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

WHEREAS, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, the Office of the Professional Municipal Clerk serves as the information center on functions of local government and community; and

WHEREAS, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their local, state, and international professional organizations; and

WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

NOW, THEREFORE, be it resolved that I, David Hill, Mayor of Waxahachie, along with the entire City Council, do hereby recognize the week of May 5-11, 2024, as

“PROFESSIONAL MUNICIPAL CLERKS WEEK”

and further extend appreciation to our Professional Municipal Clerk’s Office, and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Proclaimed this 6th day of May 2024.

MAYOR

(9410)



Memorandum

To: Honorable Mayor and City Council

From: Jennifer Pruitt, Senior Director of Planning

Thru: Michael Scott, City Manager

Date: April 23, 2024

Re: ZDC-128-2022 – Planned Development (PD) for Hightower Club

On April 7, 2024, the Applicant requested continue case no. ZDC-128-2022 from the April 23, 2024, Planning and Zoning Commission meeting and the May 6, 2024, City Council meeting to the May 14, 2024, Planning and Zoning Commission meeting and the May 20, 2024, City Council meeting. The Applicant noted the purpose of the continuance was to allow for additional time to revise the concept plan and address neighborhood concerns before formal action is taken on the request.

(11 + 12)



Memorandum

To: Honorable Mayor and City Council

From: Jennifer Pruitt, Senior Director of Planning

Thru: Michael Scott, City Manager

Date: May 6, 2024

Re: ZDC-35-2024 – Specific Use Permit (SUP) for 515 N College Street STR

At the April 23, 2024, Planning and Zoning Commission meeting, the Commission voted to continue case no. ZDC-35-2024 from the April 23, 2024, Planning and Zoning Commission meeting and the May 6, 2024, City Council meeting to the May 14, 2024, Planning and Zoning Commission meeting and the May 20, 2024, City Council meeting. The Commission noted the purpose of the continuance was to allow the developer additional time to develop a plan to provide on-site parking for the Short-Term Rental use.

Planning & Zoning Department Zoning Staff Report

Case: ZDC-32-2024



MEETING DATE(S)

Planning & Zoning Commission: April 23, 2024
City Council: May 6, 2024

CAPTION

Public Hearing on a request by Greg Nehib, 57 Bluetruck LLC, for a **Zoning Change** from a Single Family-1 (SF-1) zoning district to Planned Development-Commercial (PD-C) zoning district, located at 409 W Jefferson Street, (Property ID 171061) - Owner: 57 Bluetruck LLC (ZDC-32-2024)

RECOMMENDED MOTION

"I move approve ZDC-32-2024, a Zoning Change request from a Single-Family-1 zoning district to a Planned Development-Commercial zoning district, subject to the conditions the staff report."

ACTION SINCE INICIAL STAFF REPORT

Letters of opposition within the 200' notification buffer have been received that exceed 20% of properties within the buffer by land area. Opposition of 20% or more of properties by land area within the 200' notification buffer does trigger a requirement for a super-majority vote by City Council in order to approve the request. The Waxahachie Zoning Ordinance specifically states that a favorable vote of three-fourths (3/4) of all members, which equates to four (4) of the five (5) members, of the City Council shall be required to approve the proposed zoning change.

At the Planning & Zoning Commission meeting held on April 23, 2024, the Commission voted 6-1 to recommend approval of case number ZDC-32-2024, subject to the conditions of the staff report and the additional conditions noted below.

1. A fence shall be required along the east property line.
2. The following Land Uses shall be prohibited as part of the Planned Development. *(Items in bold are additional prohibited uses proposed by the Planning & Zoning Commission.)*
 - Animal Hospital
 - Auto Sales (New)
 - Farm, Ranch, Garden, or Orchard
 - Golf Course
 - Light Manufacturing
 - Portable Storage Structure
 - Tire Installation or Repair
 - Storage Warehouse
 - **Bus Station**
 - **Child Advocacy Center**
 - **Crematorium**
 - **Institution for Alcoholic, Narcotic, or Psychiatric Patients**
 - **Public Community Center**
 - **Public School or Vocational**
 - **Amusement, Indoor**
 - Auto Repair (Minor)
 - Cabinet or Upholstery Shop
 - Feed and Grain Store
 - Laundromat
 - Motel or Hotel
 - Swimming Pool
 - Tool and Equipment Rental
 - **Adult Daycare Facility**
 - **Car Wash**
 - **Country Club, Private**
 - **Funeral Home or Mortuary**
 - **Furniture Manufacture and Refinishing Shop**
 - **Greenhouse, Nursery, or Garden Shop**
 - **Heating & Air Conditioning Sales**
 - **Household Appliance Service or Repair**

Condition 2 – Prohibited Uses (continued)

- Amusement, Outdoor
- Appliance Rental, Service, or Repair
- Arcade
- Bank or Credit Union
- Building Materials and Hardware Sales, Indoor or Outdoor
- Stables
- Pawn Shop
- Pet Store
- Pharmacy
- Playfield or Stadium
- Winery
- Searchlights

APPLICANT REQUEST

The applicant requests to rezone the subject property from a Single Family-1 district to a Planned Development-Commercial zoning district to allow for a Retail Bakery use.

CASE INFORMATION

Applicant: Greg Nehib, 57 Bluetruck LLC

Property Owner(s): 57 Bluetruck LLC

Site Acreage: 0.2036 acres

Current Zoning: Single Family-1 (SF-1)

Requested Zoning: Planned Development-Commercial (PD-C)

SUBJECT PROPERTY

General Location: 409 W Jefferson Street

Parcel ID Number(s): 171061

Existing Use: Single-family residence

Development History: The subject property is platted as Lot A, Block 91 of the Town Addition.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	Single Family-1 (SF-1)	Single Family Residence
East	Commercial (C)	Ellis County Women’s Building
South	Commercial (C)	Metal Building
West	Single Family-1 (SF-1)	Single Family Residence

Future Land Use Plan: Downtown

Comprehensive Plan: It is most appropriate to think of the Downtown placetype as a modification of the mixed-use neighborhood placetype. Waxahachie benefits from an attractive historic core and this placetype serves to preserve and allow for incremental improvement of that area. The core of Downtown is ripe for quality vertical mixed-use development. New single-family homes are generally discouraged here as denser housing types are desired in downtown to provide more patrons to support the abundance of local businesses downtown. Attached and stacked housing is appropriate, since the downtown core is predominantly developed, denser housing will most likely occur on the fringes or edges of downtown. Active rooftops, sidewalk cafes, and parklets are an opportunity to further activate the downtown core.

(13)

Thoroughfare Plan:

The subject property is accessible via W Jefferson Street.

Site Image:



PLANNING ANALYSIS

The applicant proposes to rezone the subject property from a Single Family-1 district to a Planned Development-Commercial zoning district to allow for a Retail Bakery use.

Proposed Use: The proposed Retail Bakery is intended to be occupied by Katie Cakes Desserts. In order to accommodate this use, the applicant has proposed a number of improvements to the site and the existing building. The applicant has provided a Floor Plan, attached as Exhibit D below, to document the proposed interior changes to the building. Notably, a remodel to the building to install a commercial kitchen is required to accommodate the bakery. The applicant has provided correspondence with Waste Connections verifying that polycarts can be used to provide trash service for the proposed retail bakery. Additionally, the applicant is proposing paving and sidewalk improvements to facilitate access to the bakery. These site improvements are detailed further below.

The applicant has proposed development standards to accompany the zoning change request that restrict the future use of the subject property to those more suitable to the Downtown placetype. Exhibit B can be referenced below for a full list of the prohibited uses proposed with this PD.

Each of the proposed prohibited uses are allowed by right in the Commercial zoning district, but are not ideal for the Downtown place type or adjacent to single-family residences. It is important to note that these uses are allowed by right on the commercially zoned property to East and South of the subject property. By restricting these uses as part of the Planned Development request, the subject property can serve as a transition from more intense commercial uses along S Monroe Street and the existing single-family residences along W Jefferson Street.

Access & Parking: The subject property will continue to be accessed via an existing driveway along W Jefferson Street. The applicant proposes to resurface the existing driveway and rear yard of the subject property with a concrete drive aisle and five (5) parking spaces. Five (5) parking spaces is sufficient to support the parking requirement for the retail bakery use. A driveway connection to the adjacent Ellis County Women's Building is not proposed. An ADA-accessible sidewalk is proposed along the east side of the building to provide pedestrian access from the parking lot to the entrance of the building.

Landscaping: The applicant has committed to preserving the existing landscaping along the front and sides of the subject property. This preservation includes two mature trees and a crape myrtle.

Screening: The applicant proposes to install a new 6' cedar fence along the West side of the property to screen the adjacent single-family residence from the new parking lot. It is proposed that the fence be extended up to the mature canopy tree on the west side of the property.

Elevation/Façade Plan: The proposes to make minor changes to the east façade of the building to accommodate the proposed retail bakery. Specifically, the applicant proposes to remove two existing windows and add a door on the east side of the building to provide an additional access point for customers. The subject property is situated within the West End Historic District. Due to this, the City's Historic Preservation Manager has noted that the façade changes are required to be approved by the Heritage Preservation Commission (HPC), prior to construction. If approved, the owner will be required to submit a Certificate of Appropriateness to the Historic Preservation Officer for approval prior to construction of the proposed façade changes.

Signage: The applicant is not proposing to install signage on the existing building. However, the applicant has proposed to install a new monument sign on the subject property. The design of the monument sign has not been finalized; but will be required to adhere to the setback (min. 15') and size (max. 80 sq.ft.) requirements of the Waxahachie Zoning Ordinance.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 23 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PUBLIC NOTIFICATION RESPONSES

Staff has received sixteen (16) letters of support and twelve (12) letters of opposition for the proposed zoning change. One of the letters of opposition was provided in the form of a petition to oppose the zoning change request. This petition included eighty-one (81) individual signatures representing sixty-three (63) properties. Eight (8) of the letters of support were provided by property owners located within the 200' notification buffer. Seven (7) of the letters of opposition were provided by property owners located within the 200' notification buffer.

Letters of opposition within the 200' notification buffer are greater than 20% of properties within the buffer by land area. Opposition of 20% or more of properties by land area within the 200' notification buffer does trigger a requirement for a super-majority vote by City Council in order to approve the request. The Waxahachie Zoning Ordinance specifically states that a favorable vote of three-fourths (3/4) of all members, which equates to four (4) of the five (5) members, of the City Council shall be required to approve the proposed zoning change.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, staff recommends approval of the Zoning Change request, subject to the following conditions.

Conditions:

1. A mutually agreed upon Development Agreement shall be required for the development.
2. The owner shall preserve the existing canopy and understory trees along front and sides of the subject property in perpetuity.
3. The proposed monument sign shall adhere to the requirements of Section 5.08 of the Waxahachie Zoning Ordinance.
4. The owner shall submit a Certificate of Appropriateness to the Historic Preservation Officer for approval prior to construction of the proposed façade changes.
5. The Developer and Owner for the subject property shall be responsible for obtaining building permits per the City's applicable rules and regulations governing such permits.
6. A fence shall be required along the east property line.
7. The Land Uses identified in Exhibit B shall be prohibited as part of the Planned Development.

ATTACHED EXHIBITS

1. Public Notification Response Letters
2. Development Agreement/PD Ordinance
3. Exhibit A – Location Map
4. Exhibit B – Restricted Uses
5. Exhibit C – Operational Plan
6. Exhibit D – Site Plan
7. Exhibit E – Floor Plan
8. Exhibit F – Elevation/Façade Plan (East Elevation)

APPLICANT REQUIREMENTS

1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates any additional requirements by City Council.
2. Once the revised plans are provided, staff will verify all outstanding requirements were satisfied.
 - a. If requirements were not satisfied, then the applicant will be notified to make corrections.
 - b. If all requirements were satisfied, staff will proceed to execute the PD Ordinance and Development Agreement.

STAFF CONTACT INFORMATION

Prepared by:

Zack King, AICP
Senior Planner
zking@waxahachie.com

Reviewed by:

Jennifer Pruitt, AICP, LEED-AP, CNU-A
Senior Director of Planning
jennifer.pruitt@waxahachie.com

(13)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-32-2024

57 BLUETRUCK LLC
1023 W MAIN ST
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Greg Nehib, 57 Bluetruck LLC, for a **Zoning Change** from a Single Family-1 (SF-1) zoning district to **Planned Development-Commercial (PD-C)** zoning district, located at 409 W Jefferson Street, (Property ID 171061) - Owner: 57 Bluetruck LLC (ZDC-32-2024) Staff: Zack King

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-32-2024

City Reference: 171061

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Shan Nehib
Signature

4-10-24
Date

Shan Nehib, Managing Partner
Printed name and Title

Address

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form but would like to submit a response please contact the City for a blank form

(13)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-32-2024



RAILPORT HOLDINGS LLC
405 W Madison St
Waxahachie, TX 75165-3666

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Greg Nehib, 57 Bluetruck LLC, for a **Zoning Change** from a Single Family-1 (SF-1) zoning district to **Planned Development-Commercial (PD-C)** zoning district, located at 409 W Jefferson Street, (Property ID 171061) - Owner: 57 Bluetruck LLC (ZDC-32-2024) Staff: Zack King

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-32-2024

City Reference: 294747

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:



Signature

4/10/24

Date

Richard Womack Railport Brewing/Holdings

Printed Name and Title (owner)

405 W Madison St

Address

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

(13)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-32-2024



SETTLEMYER TAMMY
400 W JEFFERSON
WAXAHACHIE, TX 75165-3602

RECEIVED APR 11 2024

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Greg Nehib, 57 Bluetruck LLC, for a **Zoning Change** from a Single Family-1 (SF-1) zoning district to **Planned Development-Commercial (PD-C)** zoning district, located at 409 W Jefferson Street, (Property ID 171061) - Owner: 57 Bluetruck LLC (ZDC-32-2024) Staff: Zack King

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Case Number: ZDC-32-2024

City Reference: 170505

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:


Signature

4/10/24
Date

Tammy Settlemyer (owner)
Printed Name and Title

400 W. Jefferson
Address

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.



(13)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-32-2024

RECEIVED APR 1 2024

JONES JAMES MICHAEL REVOCABLE LIVING TRUST
413 W JEFFERSON ST
WAXAHACHIE, TX 75165-3601

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Greg Nehib, 57 Bluetruck LLC, for a **Zoning Change** from a Single Family-1 (SF-1) zoning district to **Planned Development-Commercial (PD-C)** zoning district, located at 409 W Jefferson Street, (Property ID 171061) - Owner: 57 Bluetruck LLC (ZDC-32-2024) Staff: Zack King

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Case Number: ZDC-32-2024

City Reference: 171070

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

My home is at 413 W. Jefferson, which is next door to 409. I do NOT WANT the property at 409 to become a commercial property.

James Michael Jones
Signature

4-5-2024
Date

JAMES MICHAEL JONES-OWNER
Printed Name and Title

413 W. JEFFERSON ST.
Address

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

(13)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-32-2024

RECEIVED APR 13 2024

BEAN ROBIN
404 W JEFFERSON ST
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

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Case Number: ZDC-32-2024

City Reference: 170504

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Robin Bean
Signature
Robin Bean
Printed Name and Title

4/5/24
Date
404 W. JEFFERSON
Address
WAX 75165

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

(13)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-32-2024

RECEIVED APR 1 2024

BEAN ROBIN L & BOBBY J
406 W JEFFERSON ST
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

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Case Number: ZDC-32-2024

City Reference: 170503

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:


Signature

4/5/24
Date

ROBIN L BEAN
Printed Name and Title

406 W. JEFFERSON
WAX 75165
Address

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

(13)

To Whom It May Concern,

I am in support of ZDC-32-2024 in the interest of re-zoning 409 W Jefferson to Commercial (PD-C).

Regards, *Mike Frisbee*

Owner of 308 W Madison St

(13)

To Whom It May Concern,

I am in support of ZDC-32-2024 in the interest of re-zoning 409 W Jefferson to Commercial (PD-C).

Regards,

Spencer Rupe
Owner: Post + Saddle Bike Co.
Spencer Rupe
500 W Madison

(13)

To Whom It May Concern,

I am in support of ZDC-32-2024 in the interest of re-zoning 409 W Jefferson to Commercial (PD-C).

Regards,

~~Doug M Puke~~ Holly M Puke

Latitude Cigars, LLC

214-903-7517

500 W Madison

(13)

To Whom It May Concern,

I am in support of ZDC-32-2024 in the interest of re-zoning 409 W Jefferson to Commercial (PD-C).

Regards,

CRUZ-Herrera own CRUZ SERVICES 302. Patterson

(13)

To Whom It May Concern,

I am in support of ZDC-32-2024 in the interest of re-zoning 409 W Jefferson to Commercial (PD-C).

Regards,

Sara Jmello / Carlos Dominguez

D' Restaurant Latin Cuisine Owners.

469 879 3457

500 W Madison Ste. A-1

(13)

To Whom It May Concern,

I am in support of ZDC-32-2024 in the interest of re-zoning 409 W Jefferson to Commercial (PD-C).

Regards,

Susan Ganzel



owner at Paw Avenue Grooming Salon

501 W. Jefferson St. Waxahachie TX 75165

(13)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-32-2024

BIG BLUE TRUCK LLC
1023 W MAIN ST
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

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Case Number: ZDC-32-2024

City Reference: ~~470507~~

305 Patterson 171056

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

I have seen plan & will be a great addition to city

[Handwritten Signature]

Signature

Brad Yates manager
Printed Name and Title

4/10/24

Date

305 Patterson
Address

Waxahachie, TX 75165

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form

(13)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-32-2024
◇◇◇

**BIG BLUE TRUCK LLC
1023 W MAIN ST
WAXAHACHIE, TX 75165**

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Greg Nehib, 57 Bluetruck LLC, for a **Zoning Change** from a Single Family-1 (SF-1) zoning district to **Planned Development-Commercial (PD-C)** zoning district, located at 409 W Jefferson Street, (Property ID 171061) - Owner: 57 Bluetruck LLC (ZDC-32-2024) Staff: Zack King

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-32-2024

City Reference: 170507

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on April 17, 2024 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

407 W Franklin

SUPPORT

OPPOSE

Comments:

I have seen plan & will be a great addition to the downtown district.



Signature

Brad Yates manager

Printed Name and Title

4/10/24

Date

407 W. Franklin
Address
Waxahachie, TX. 75165

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

(13)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-32-2024



BIG BLUE TRUCK LLC
1023 W MAIN ST
WAXAHACHIE, TX 75165

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Case Number: ZDC-32-2024

City Reference: ~~170507~~

500 W Madison 171075

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SUPPORT

OPPOSE

Comments:

I have seen the plan & will be a great addition to downtown district

Signature

Brad Yates manager

Printed Name and Title

4/10/24

Date

500 W. Madison

Address

Waxahachie, TX 75165

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(13)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-32-2024

BIG BLUE TRUCK LLC
1023 W MAIN ST
WAXAHACHIE, TX 75165

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Case Number: ZDC-32-2024

City Reference: 170507

501 W Jefferson 171074

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SUPPORT

OPPOSE

Comments:

I have been plan & it will be a great addition to the city

Signature

Brad Yates manager

Printed Name and Title

4/10/24

Date

501 W. Jefferson

Address

Waxahachie, TX, 75165

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City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-32-2024

WEDEL LIVING TRUST ATTN: JOHN A & MARY E WEDEL TRUSTEES
417 W JEFFERSON ST
WAXAHACHIE, TX 75165-3601

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

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Case Number: ZDC-32-2024

City Reference: 171068

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SUPPORT

OPPOSE

Comments:

A new commercial business at 409 W. Jefferson will exacerbate a traffic situation near the intersection of Monroe and the 400 block of W. Jefferson and involves a structure that does not meet city code requirements for commercial establishments. See attachment for supporting details.

John A. Wedel
Signature

4/16/2024
Date

John A. Wedel, Trustee
Printed Name and Title

417 W. JEFFERSON ST
Address WAXAHACHIE, TX 75165

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Illegal Parking at the eastbound W. Jefferson – Monroe Intersection

Without specific actions being taken by the city to address illegal parking at the intersection, allowing a new commercial business to open to the public at 409 W. Jefferson will exacerbate already congested and dangerous traffic at the intersection of eastbound W. Jefferson and Monroe that often occurs during peak business hours of the Two Amigos restaurant located at 241 N. Monroe St. or when events are being held at the Woman's Building at 407 W. Jefferson. Parked vehicles on both sides of W. Jefferson often do not adhere to Texas Transportation Code Sec. 545.302 requiring no parking within 30 feet on an approach to a stop sign or 20 feet from a crosswalk at an intersection. **(See pictures on page 2 for examples of non-compliance to the state code. Note – just restaurant parking that day – no Woman's Building event to add to the volume of parked vehicles.)**

In these cases, vehicles may be found parked on both sides of the street in the 400 block of W. Jefferson extending from near the stop sign on W. Jefferson to as far away as the 409 W. Jefferson property. The result is that from the stop sign at the corner of Monroe and the 400 block of W. Jefferson until the line of parked vehicles abates, W. Jefferson is essentially a one-lane street.

When this occurs, at least one of three undesirable situations often arises as a result of vehicles parking too near the intersection:

1. A vehicle going east on W. Jefferson coming up to the stop sign may not be able to clearly see traffic coming south on Monroe. The driver may have to "inch out" into the right-hand lane of Monroe to see if it is clear to proceed to turn onto or to cross over Monroe. This in itself presents a collision potential with an oncoming vehicle coming south on Monroe.
2. A vehicle going south on Monroe that wishes to turn right onto W. Jefferson may not be able to see a vehicle waiting at the stop sign on W. Jefferson until already into its turn. It is then presented with a vehicle that can be blocking the entrance to W. Jefferson and, as a result, must stop its turn as there is no where to go. If there are other vehicles behind it a rear-end collision is a distinct possibility because of the turning vehicle having to unexpectedly stop its turn.
3. A vehicle turning onto W. Jefferson from Monroe is able to complete its turn only to have to then stop because another vehicle is coming towards it on W. Jefferson from the west, but neither vehicle may have enough room to maneuver to pass each other because vehicles are parked on both sides of the road, some too far away from the curb. The result is that the vehicle already on W. Jefferson must back up to the point where the line of parked vehicles stops, in order to get to the side of the street so the oncoming vehicle having turned from Monroe can continue going west on W. Jefferson.

It is true that the above scenarios are not ever-present, but do occur often enough to be a hazard during peak business hours of the restaurant and/or when a large event is being held at the Woman's Building.

A commercial business with client traffic operating at 409 W. Jefferson will only exacerbate the situation as it will generate more traffic and additional parking needs, ultimately and negatively affecting the safety of the Monroe – W. Jefferson intersection.

The situation has needed a resolution for quite some time. The intersection is unduly dangerous. Several accidents have already occurred there since Monroe was made a two-lane, one-way road and parking along the length of Monroe removed or otherwise restricted. **If the city is going to allow new businesses with client traffic in the 400 block of W. Jefferson it must, at a minimum, clearly mark and enforce the areas where parking is not allowed by state code. This should be done prior to approving any zoning change to allow more commercial businesses in this block of W. Jefferson.**

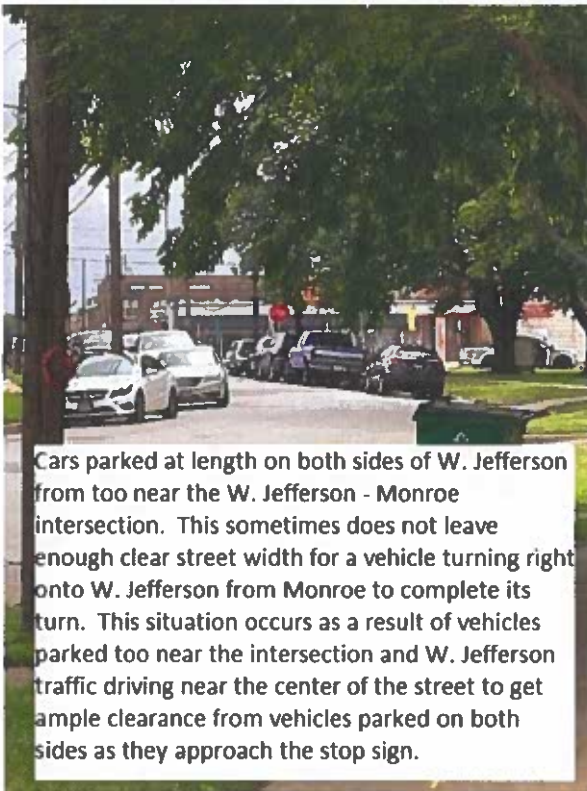
(13)



Car parked well within 30' of stop sign at W. Jefferson - Monroe intersection



Car parked well within 20' of the crosswalk at the W. Jefferson - Monroe intersection



Cars parked at length on both sides of W. Jefferson from too near the W. Jefferson - Monroe intersection. This sometimes does not leave enough clear street width for a vehicle turning right onto W. Jefferson from Monroe to complete its turn. This situation occurs as a result of vehicles parked too near the intersection and W. Jefferson traffic driving near the center of the street to get ample clearance from vehicles parked on both sides as they approach the stop sign.

(13)

The 409 W. Jefferson structure Does Not Qualify to be a Commercial Establishment

The structure at 409 W. Jefferson is currently and has always been a residence since it was built in 1924. It was not built to meet the needs and requirements of a commercial establishment with client traffic on site. Access to and placement of the structure in 1924 was designed on residential codes that may have been in force at the time. Now, it's zoning is being requested to be changed to commercial. If approval is to be considered, it must first be determined if it meets commercial establishment code zoning requirements.

City of Waxahachie zoning requirements for commercial establishments require among other things that the minimum side yard should be 25' when adjacent to a residential property. The property located immediately to the west (right) of 409 W. Jefferson is 413 W. Jefferson, which is a residence. It is clear looking at the property in question that the side yard is far less than 25' (see picture on page 4). It also has a narrow one-way driveway, as do most residences of this size. We are told there will be a concrete parking area in the back of the structure and with no other exit, the driveway will have to serve both incoming and exiting vehicles, i.e., it will have to function as a two-way driveway. According to the Waxahachie Thoroughfare Standards, a commercial two-way driveway must be a minimum of 24' in width. The driveway appears to be less than half of that width. With the driveway being up against the property line on the west and little to no room between the driveway and the existing structure, a 24' wide driveway is not possible.

Other concerns of nearby neighbors are how will trash and trash pickups be handled especially in light of customer vehicles or deliveries parked in front of the structure and how obtrusive to the neighborhood a business sign may be whether in the yard or on the structure itself. The front yard, by the way, seems to be borderline as to its meeting the minimum code requirement of 25'.

The ultimate factor in considering this request is that the structure was built to be part of a residential neighborhood and while commercial use has replaced many previous long-time residences in Waxahachie, **the layout of this existing structure does not meet the minimum requirements required by city code for a commercial establishment.**

There are plenty of commercial properties where structures are built and they have to meet code. But in this case the structure already exists. We should not ignore a code that is meant to provide some distancing for nearby property owners to provide some abatement from having to deal with increased traffic and noise around their property, possible inconvenience in their ability to have visitors come to their house or affect their property value with potential buyers. We already have a couple of long-time business locations in or near the 400 block of W. Jefferson. We should at least require any new ones to meet the minimum codes required for such an establishment. We have codes in place to provide a level of protection for residents. They must be followed consistently. We are being asked to accept a business to be allowed to fit in a relatively narrow lot that is in a residential neighborhood and doesn't even have to meet the codes the city has set for such establishments. The request should not be approved.

(13)



The structure at 409 W. Jefferson does not meet the requirements for a commercial establishment as it does not have a minimum side yard of 25' which is required when adjacent to a residence, in this case 413 W. Jefferson, on the right. The driveway also does not meet the standards for a two-way driveway (minimum width of 24') for a commercial establishment.

(13)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-32-2024



LOREN GRAY INVESTMENTS LLC
PO BOX 2868
WAXAHACHIE, TX 75168-8868

RECEIVED APR 17 2024

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Case Number: ZDC-32-2024

City Reference: 171063

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SUPPORT

OPPOSE

Comments:

I have seen the plan & would be a great addition to our community

[Handwritten Signature]

Signature

4-9-2024

Date

Brad Yates, Owner

Printed Name and Title

*410 W. Madison Street
Waxahachie, TX 75165*

Address

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(13)

April 17, 2024

Planning & Zoning Department

Attn: Zach King

Re: Case ZDC-32-2024

Please find attached a petition (Pages 1-9) with Waxahachie resident signatures who oppose the proposed zoning change request of 409 W. Jefferson from Single Family to Commercial.

Since I was only asked to work on this petition on Friday, April 12th and the deadline to submit was April 17th, I was limited in the number of signatures I was able to obtain. This petition does, however, represent a wide range of residents throughout the City who are opposed to this zoning request.

Attending P&Z meetings is a hardship for many residents. People who would like to attend these meetings, simply cannot. This petition represents their opposition to this zoning change in lieu of attending the P&Z Commission and City Council meetings on April 23rd and May 6th.

I have also blocked out the phone numbers of the residents due to privacy concerns. I (and many residents) did not feel comfortable having personal phone numbers made public.

Please let me know if anything further is needed. Thank you for your thoughtful consideration of this proposed zoning change and the impact it will have for our City and its residents.

Regards,



Kathleen Bowen

527 W. Jefferson Street

(13)

Petition Against the Proposed Zoning Change of 409 W. Jefferson Street from Single Family to Commercial
Case: ZDC-32-2024

We, the undersigned residents of the City of Waxahachie, oppose the proposed zoning change of 409 W. Jefferson Street as defined on the City Planning Department website and being presented in a public meeting by the City of Waxahachie Planning Department on April 23 and City Council on May 6, 2024.

The primary reasons for our opposition are that this Proposed Zoning Change would:

- 1) Violate Section 1.02 Purpose of the City of Waxahachie City Zoning Ordinance approved May 21, 2018 which states that the 7 purposes for having zoning in Waxahachie are to:
 - a. Promote health, safety, morals and general welfare, convenience and protecting and preserving places and areas of historical, cultural, or architectural importance and significance in the City;
 - b. Lessen the congestion in the streets;
 - c. Secure safety from fire, panic and other dangers;
 - d. Provide adequate light and air;
 - e. Prevent overcrowding of land;
 - f. Avoid undue concentration of population and;
 - g. Facilitate the adequate provision of transportation, water, sewers, schools, parks and other public requirements;
- 2) Have a negative impact to underrepresented groups (people of color and the elderly) who live in the affected area;
- 3) Destroy the natural environment - the mature trees and landscape - and replace these with a concrete parking lot. In addition to the negative environmental impacts which will cause increased air and noise pollution, soil erosion and flooding will impact nearby property owners;
- 4) Have irreversible and devastating consequences to the West End Historic District of which 409 W. Jefferson Street is a contributing resource. Improper zoning changes and inappropriate modifications to resources within a historic district permanently destroy the character and sense of place of a historic area;
- 5) Hurt our City and lead to a "chipping away" (i.e. "domino") effect for the West End Historic District. These types of "one-off" zoning requests will lead to West Jefferson Street becoming like Ferris Avenue.
- 6) Cause safety concerns for all citizens and visitors to the area. There will be an increase in traffic and congestion to an already unsafe, congested and highly travelled intersection.

We respectfully request that this proposed zoning change be DENIED by both Planning & Zoning and City Council. These types of significant zoning changes to the surrounding downtown area should be thoughtfully and carefully considered so that they are in the best interest of the future of our City and in the best interest of all citizens of Waxahachie. Don't let West Jefferson become Ferris Avenue.

(13)

Petition Against the Proposed Zoning Change of 409 W. Jefferson Street from Single Family to Commercial

Case: ZDC-32-2024

- | Signature | Address | Phone |
|----------------------------|-----------------------------|------------|
| 1. <u>Kath G. Bow</u> | <u>527 W. Jefferson</u> | [REDACTED] |
| 2. <u>Mareen Moore</u> | <u>1112 W. Jefferson St</u> | [REDACTED] |
| 3. <u>Kirk Hunter</u> | <u>1112 W. Jefferson St</u> | [REDACTED] |
| 4. <u>Mari Detz</u> | <u>603 W. Main Ave</u> | [REDACTED] |
| 5. <u>Linda Brown</u> | <u>716 W. Main St</u> | [REDACTED] |
| 6. <u>Ken Brown</u> | <u>716 W. Main St.</u> | [REDACTED] |
| 7. <u>John A. Wedel</u> | <u>417 W. Jefferson St.</u> | [REDACTED] |
| 8. <u>Mary E. Wedel</u> | <u>417 W. Jefferson St.</u> | [REDACTED] |
| 9. <u>Supanne Walker</u> | <u>909 W. Main Ave.</u> | [REDACTED] |
| 10. <u>Deborah</u> | <u>909 W. Main Ave.</u> | [REDACTED] |
| 11. <u>Max H. Simpson</u> | <u>1203 W. Main</u> | [REDACTED] |
| 12. <u>Earlene Simpson</u> | <u>1203 W. Main St</u> | [REDACTED] |

(13)

Petition Against the Proposed Zoning Change of 409 W. Jefferson Street from Single Family to Commercial

Case: ZDC-32-2024

Signature	Address	Phone
13. <i>Becky Kauffman</i>	817 W. Main	
14. <i>Becky Kauffman</i>	817 W. Main	
15. <i>Ed Hill</i>	414 W Jefferson St.	
16. <i>Jane Yeager</i>	208 Oldham St.	
17. <i>Katherine Lagomarsino</i>	304 Oldham St. S	
18. <i>Michael Pierce</i>	308 Oldham	
19. <i>Alicia Franco</i>	307 Oldham	
20. <i>Vanessa Kinsala</i>	401 Oldham St.	
21. <i>Mark E Hundert</i>	124 KAUFMAN ST	
22. <i>Mark E Hundert</i>	124 Kaufman	
23. <i>Jim Chapman</i>	401 E MARVIN	
24. <i>Shirley Chapman</i>	401 E Marvin	

Petition Against the Proposed Zoning Change of 409 W. Jefferson Street from Single Family to Commercial

Case: ZDC-32-2024

	Signature	Address	Phone
25.	Jean Portner	601 W Jefferson	
26.	Stephan Rose	601 W Jefferson St	
27.	Raney J. Post	606 Sycamore	
28.	Kathy Jenkin	711 W Jefferson	
29.	Billy Holden	603 W Jefferson	
30.	[Signature]	414 W Marvin Ave	
31.	Donnie Todd	502 W. Marvin Ave.	
32.	Bentford	502 W Marvin	" "
33.	Mandy Mayo	414 W Marvin Ave	
34.	Wm. [Signature]	214 S. Hawkins	
35.	Ann [Signature]	214 S Hawkins	
36.	Bill Lee [Signature]	604 W Jefferson St	

Petition Against the Proposed Zoning Change of 409 W. Jefferson Street from Single Family to Commercial

Case: ZDC-32-2024

Signature	Address	Phone
37. Susan K Stone	601 Royal St.	
38. Domingo Bocaranga	3450 I 35 E	
39. Denise Remy	600 W. Jefferson	
40. Mr. [unclear]	600 W. JEFFERSON	
41. [unclear]	200 S. HAWKINS	
42. Glenda Fung	200 S. HAWKINS ST.	
43. [unclear] Hall	813 W. Jefferson St.	
44. Kathy Lovins	811 W. Jefferson St.	
45. Margarita Ocampo	416 W Jefferson St	
46. Roy & Peggy Crabtree	607 W. Jefferson St.	
47. Harris & Rebecca Lewy	802 W Jefferson St.	
48. Karen Nichols	1006 W main	

(13)

49.



MISSING

KB

60.

Page 6
MISSING KB

(13)

Petition Against the Proposed Zoning Change of 409 W. Jefferson Street from Single Family to Commercial

Case: ZDC-32-2024

Signature

Address

61. ~~Kathy Rosenberg~~ - 1105 Hawkins

515 W JEFFERSON ST

62. GERARDO AND MIREYA SIERRA

63. Roberta Foy 327 University

64. Paul Manigault 605 W Main

65. Margaret Dunbar-Miller 510 W. Jefferson St

66. Allie Dunbar-Miller 510 W Jefferson

67. Craig Z. Miller 304 Cypress

68. Deborah Linn 310 Cypress

69. Elizabeth Hertzendauer Cunliffe 1115 West Madison Avenue

7/11/24

70. Amy Glidwell-Finch 504 Sycamore

71. Roy Finch

72. Lynda Begnaud 153 Lakeshore Dr

(13)

Petition Against the Proposed Zoning Change of 409 W. Jefferson Street from Single Family to Commercial

Case: ZDC-32-2024

Signature	Address	Phone
73. Jerome Bogard	153 LAKE SHORE DR	
74. Mary Ann Shipley	209 Lake Shore	
75. Helen Brock	114 Valley Ranch Ct	
76. Julie Mendenhall	1703 Alexander Dr.	
77. Jesse L. Nelson	105 Crystal Cove	
78. Jake [unclear]	645 Winters Dr.	
79. Sally Stoffen	1414 Little Creek Dr	
80. George Brumm	405 W. Marvin	
81. Janel Gutierrez	314 E. Parks ave	
82. Tom Wright	405 W Parks Ave	
83. Pete Lisle	414 W. PARKS AVE	
84. [unclear]	704 W. Marvin Ave	

(13)

Petition Against the Proposed Zoning Change of 409 W. Jefferson Street from Single Family to Commercial

Case: ZDC-32-2024

	Signature	Address	Phone
85.	<i>Nancy Berlin</i>	144 Brookstone Dr. ^{Washburne} 75165	[Redacted]
86.	<i>Melanie Oglesby</i>	11 Country Club Pl ^{Washburne} 75165	[Redacted]
87.	<i>Richard Duke</i>	100 Vassar Ct 75165	[Redacted]
88.	<i>Diane Sezin</i>	405 Garnation Ct. 75165	[Redacted]
89.	<i>Richard Murphy</i>	102 Harbin Ave.	[Redacted]
90.	<i>Lizbeth Stohr</i>	205 Harbin Ave.	[Redacted]
91.	<i>Shannon Dublin</i>	525 Beckys Ln	[Redacted]
92.	<i>Chris</i>	212 N. Grand Ave	[Redacted]
93.	<i>Mal B</i>	527 W. JEFFERSON ST.	[Redacted]
94.			
95.			
96.			

(13)

To Whom It May Concern,

I am in support of ZDC-32-2024 in the interest of re-zoning 409 W Jefferson to Commercial (PD-C).

Regards,

A handwritten signature in cursive script, appearing to read "GT Morton".

GT Morton

Owner 401 W Madison St.



(13)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-32-2024

WEDEL LIVING TRUST ATTN: JOHN A & MARY E WEDEL TRUSTEES
417 W JEFFERSON ST
WAXAHACHIE, TX 75165-3601

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Greg Nehib, 57 Bluetruck LLC, for a **Zoning Change** from a Single Family-1 (SF-1) zoning district to **Planned Development-Commercial (PD-C)** zoning district, located at 409 W Jefferson Street, (Property ID 171061) - Owner: 57 Bluetruck LLC (ZDC-32-2024) Staff: Zack King

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-32-2024

City Reference: 171062

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

A new commercial business at 409 W. Jefferson will exacerbate a traffic situation near the intersection of Monroe and the 400 block of W. Jefferson and involves a structure that does not meet city code requirements for commercial establishments.

John A. Wedel
Signature

4/23/24
Date

JOHN A. WEDEL, TRUSTEE
Printed Name and Title

417 W. Jefferson WAX.
Address

PROPERTY - PATTERSON ST

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

(13)

April 26, 2024

To: City of Waxahachie Planning Department

From: Ryan W. and Maria K Neighbor, Property ID 171027

Re: Case ZDC-32-2024

Request by Greg Nehib, 57 Bluetruck LLC, for a Zoning Change from Single Family-1 (SF1) zoning district to Planned Development-Commercial (PD-C) zoning district, located at 409 W Jefferson Street (Property ID 171061) – Owner: 57 Bluetruck LLC (ZDC-32-2024).

I oppose this request and ask that City Council vote to DENY ZDC-32-2024.

I Oppose: Zoning from Residential to Commercial

Comments

Sincerely,

Maria K Neighbor

Maria K + Ryan

Printed Name Neighbor

408 W Jefferson Street

Address Waxahachie TX 75165

(13)

April 27, 2024

To: City of Waxahachie Planning Department

From: Cole Miller, Property ID 171029

Re: Case ZDC-32-2024

Request by Greg Nehib, 57 Bluetruck LLC, for a Zoning Change from Single Family-1 (SF1) zoning district to Planned Development-Commercial (PD-C) zoning district, located at 409 W Jefferson Street (Property ID 171061) – Owner: 57 Bluetruck LLC (ZDC-32-2024).

I oppose this request and ask that City Council vote to DENY ZDC-32-2024.

Comments

Sincerely,



Cole Miller

Printed Name

414 W Jefferson St, Waxahachie Tx

Address

75165

(13)

April 28, 2024

To: City of Waxahachie Planning Department

From: UNIQUE OPPORTUNITY INVESTMENT LLC, Property ID 171069

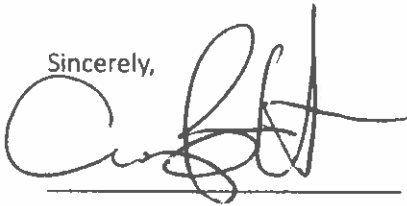
Re: Case ZDC-32-2024

Request by Greg Nehib, 57 Bluetruck LLC, for a Zoning Change from Single Family-1 (SF1) zoning district to Planned Development-Commercial (PD-C) zoning district, located at 409 W Jefferson Street (Property ID 171061) – Owner: 57 Bluetruck LLC (ZDC-32-2024).

I oppose this request and ask that City Council vote to DENY ZDC-32-2024.

Comments

Sincerely,



Craig Burnett - owner

Printed Name and Title

rental:
415 W Jefferson St

Address

home:
6041 Shady Oaks Ln
Midlothian, TX 76065

(13)

Venissat, Michelle

From: waxaone@aol.com
Sent: Wednesday, May 1, 2024 4:17 PM
To: Planning
Subject: RE: CASE#ZDC-32-2024

Follow Up Flag: Follow up
Flag Status: Flagged

To Planning and Zoning

My name is Elizabeth Getzendaner Cunliffe and I am emailing you to voice my opposition to the proposed zoning change, Case #ZDC-32-2024.

I oppose this change as a property owner in the immediate area, property id#171064, and as a concerned citizen of the community. Once again commercial interests are encroaching on residential areas and the rights of those living within these residential areas.

It will bring undue hardship to the area with increased traffic and more parking problems. Parking is already difficult enough in the downtown area and really needs to be addressed before expanding commercial zoning areas.

I hope that you will take into consideration my opposition to Case #ZDC-32-2024.

Respectfully submitted,
Elizabeth Getzendaner Cunliffe

(13)

April 28, 2024

To: City of Waxahachie Planning Department

From: Property ID 170506 – 232 S. Monroe

Re: Case ZDC-32-2024

Request by Greg Nehib, 57 Bluetruck LLC, for a Zoning Change from Single Family-1 (SF1) zoning district to Planned Development-Commercial (PD-C) zoning district, located at 409 W Jefferson Street (Property ID 171061) – Owner: 57 Bluetruck LLC (ZDC-32-2024).

I oppose this request and ask that City Council vote to DENY ZDC-32-2024.

Marilyn Leligan

Bobby Lee Gibson

Comments

Sincerely,

Bobby Lee Gibson

Signature

BOBBY LEE GIBSON

Printed Name

232 S. MONROE S. WAXAHACHIE

Address *75166*

(13)

April 28, 2024

To: City of Waxahachie Planning Department

From: Property ID 171026 – 409 W. Franklin Street

Re: Case ZDC-32-2024

Request by Greg Nehib, 57 Bluetruck LLC, for a Zoning Change from Single Family-1 (SF1) zoning district to Planned Development-Commercial (PD-C) zoning district, located at 409 W Jefferson Street (Property ID 171061) – Owner: 57 Bluetruck LLC (ZDC-32-2024).

I, the current resident of 409 W. Franklin Street, oppose this request and ask that City Council vote to DENY ZDC-32-2024.

Comments

Sincerely,

Bobbette Storey

Signature

Bobbette Storey

Printed Name

409 W. Franklin St. Waxahachie 75105

Address

(13)

April 27, 2024

To: City of Waxahachie Planning Department

From: Property ID 171028 – 412 W. Jefferson Street

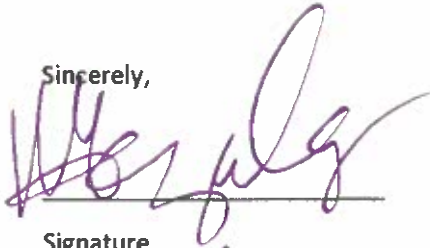
Re: Case ZDC-32-2024

Request by Greg Nehib, 57 Bluetruck LLC, for a Zoning Change from Single Family-1 (SF1) zoning district to Planned Development-Commercial (PD-C) zoning district, located at 409 W Jefferson Street (Property ID 171061) – Owner: 57 Bluetruck LLC (ZDC-32-2024).

I, the current resident of 412 W. Jefferson Street, oppose this request and ask that City Council vote to DENY ZDC-32-2024.

Comments

Sincerely,



Signature

Vilma Gonzalez

Printed Name

412 W Jefferson
Waxahachie TX

Address

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-1 (SF-1) TO PLANNED DEVELOPMENT-COMMERCIAL (PD-C) LOCATED 409 W JEFFERSON STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.2036 ACRES KNOWN AS LOT A, BLOCK 91 OF THE ORIGINAL TOWN SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

WHEREAS, the City Council of the City of Waxahachie having heretofore adopted a zoning ordinance and map showing the classification of the various property located within the city limits of said City; and

WHEREAS, a proper application for a Zoning Change has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-32-2024. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from SF-1 to PD-C; and

WHEREAS, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and

WHEREAS, a proper hearing was held as required by law and the Council having heard all arguments for and against said zoning amendment;

NOW, THEREFORE, this property is rezoned from SF-1 to PD-C in order to facilitate development of the subject property in a manner that allows a Bakery, Retail on the following property: 409 W Jefferson Street, Lot A, Block 91 of the Original Town subdivision, which is shown on Exhibit A, in accordance with the Prohibited Uses attached as Exhibit B, the Operational Plan attached as Exhibit C, the Site Plan attached as Exhibit D, Floor Plan attached as Exhibit E, and the Elevation/Façade Plan-East Elevation attached as Exhibit F.

PLANNED DEVELOPMENT

Purpose and Intent

The purpose of this planned development is to create a multi-family residential townhome development, and to establish appropriate restrictions and development controls necessary to ensure predictable land development, safe and efficient vehicular and pedestrian circulation, compatible uses of land and compliance with appropriate design standards.

Development Standards

All development on land located within the boundaries of this Planned Development District shall adhere to the rules and regulations set forth in this ordinance. The locations of buildings, exterior construction materials, driveways, parking areas, amenity areas, sidewalks, fencing, landscaping, and other common areas shall substantially conform to the locations shown on the approved Site Plan (Exhibit D), Floor Plan (Exhibit E), Elevation/Façade-East Elevation (Exhibit F).

Development Regulations

1. A mutually agreed upon Development Agreement will be required for the property.
2. The development shall conform as approved by the City Council under case number ZDC-32-2024.
3. All materials, location of materials, and percentage of materials for all buildings shall be consistent as prescribed in the Elevation/Façade Plan (Exhibit F).
4. The owner shall submit a Certificate of Appropriateness to the Historic Preservation Officer for approval prior to construction of the proposed façade changes.
5. The owner shall preserve the existing canopy and understory trees along front and sides of the subject property in perpetuity.
6. A permanent irrigation system for all required landscape areas and required landscaping shall be maintained at all times.
7. The proposed monument sign shall adhere to the requirements of Section 5.08 of the Waxahachie Zoning Ordinance.
8. A fence shall be required along the east property line.
9. The Land Uses identified in Exhibit B – Prohibited Uses shall be prohibited.
10. The development shall adhere to the City Council approved Exhibit A – Location Map, Exhibit B – Restricted Uses, Exhibit C – Operational Plan, Exhibit D – Site Plan Plan, Exhibit E – Floor Plan, and Exhibit F – Elevation/Façade Plan-East Elevation.
11. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance or the 409 W Jefferson Street Development Agreement, shall conform to those requirements and/or standards prescribed in Exhibit A – Location Map, Exhibit B – Restricted Uses, Exhibit C – Operational Plan, Exhibit D – Site Plan, Exhibit E – Floor Plan, and Exhibit F – Elevation/Façade Plan. Where regulations are not specified in Exhibits A, B, C, D, E, and F, in this Ordinance, or the 409 W Jefferson Street Development Agreement, the regulations of the City of Waxahachie Zoning Ordinance shall apply to this development.

(14)

12. The Developer and Owner for the subject property shall be responsible for obtaining building permits per the City's applicable rules and regulations governing such permits.

13. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

PASSED, APPROVED AND ADOPTED on this 6th day of May, 2024.

MAYOR

ATTEST:

City Secretary

EXHIBIT A - LOCATION MAP



(14)

Exhibit B

Restricted uses not permitted for 409 W Jefferson St. as a Commercial (C) use structure. *(Items in bold are additional prohibited uses added by the Planning & Zoning Commission.)*

- 4.03b Farm, Ranch, Garden or Orchard
- 4.03b Animal Hospital or Kennel
- 4.03b Auto Repair, Minor
- 4.03b Auto Sales
- 4.03b Cabinet or Upholstery Shop
- 4.03b Feed and Grain Store
- 4.03b Golf Course
- 4.03b Laundromat
- 4.03b Motel or Hotel
- 4.03b Swimming Pool
- 4.03b Tire Installation or Repair
- 4.03b Tool and Equipment Rental
- 4.03d Light Manufacturing
- 4.03d Portable Storage Structure
- 4.03d Storage Warehouse
- 4.03d Stables
- 4.03d Adult Daycare Facility**
- 4.03d Child Advocacy Center**
- 4.03d Crematorium**
- 4.03d Institution for Alcoholic, Narcotic or Psychiatric Patients**
- 4.03d Public Community Center**
- 4.03d School, Public, Private, or Vocational**
- 4.03d Amusement, Indoor or Outdoor**
- 4.03d Appliance Rental, Service, or Repair**
- 4.03d Arcade**
- 4.03d Bank or Credit Union**
- 4.03d Building Materials and Hardware Sales, Indoor or Outdoor**
- 4.03d Bus Station or Terminal**
- 4.03d Car Wash**
- 4.03d Country Club, Private**
- 4.03d Funeral Home or Mortuary**
- 4.03d Furniture Manufacture and Refinishing Shop**
- 4.03d Greenhouse, Nursery, Florist or Garden Shop**
- 4.03d Heating and Air Conditioning Sales**
- 4.03d Household Appliance Service or Repair**
- 4.03d Pawn Shop**
- 4.03d Pet Shop and Grooming**
- 4.03d Pharmacy**
- 4.03d Playfield or Stadium, Public**
- 4.03d Winery**
- 4.03d Searchlights**

Operational Plan – Katie Cakes Desserts

The historic building at 409 W Jefferson St. was built circa 1903 as a duplex and remodeled to its current craftsman style in 1930. While the building is currently zoned residential, the building does have a history of commercial use. The building owner is requesting re-zoning to Commercial through the Planned Development process. **Katie Cakes will be using the entire building for their business, although you can see that only a few rooms are modified in this remodel. This is not an application for Mixed Use.**

Katie Cakes Desserts would like to embrace the historic character of this building while offering a dessert experience like no other for the residents and visitors of Waxahachie, near our beautiful downtown square. The goal of the Katie Cakes Desserts bakery would be to provide the community with world class cheesecake and other delicious desserts for any type of event. We will offer desserts to-go from a point-of-sale counter and we will offer top notch dessert catering solutions. Our products will be baked on site in a commercial kitchen that has been professionally designed and will be built to meet our specific needs. This will be a new and unique business for the City of Waxahachie.

Store Hours: 10:00am to 8:00pm, Tuesday thru Sunday

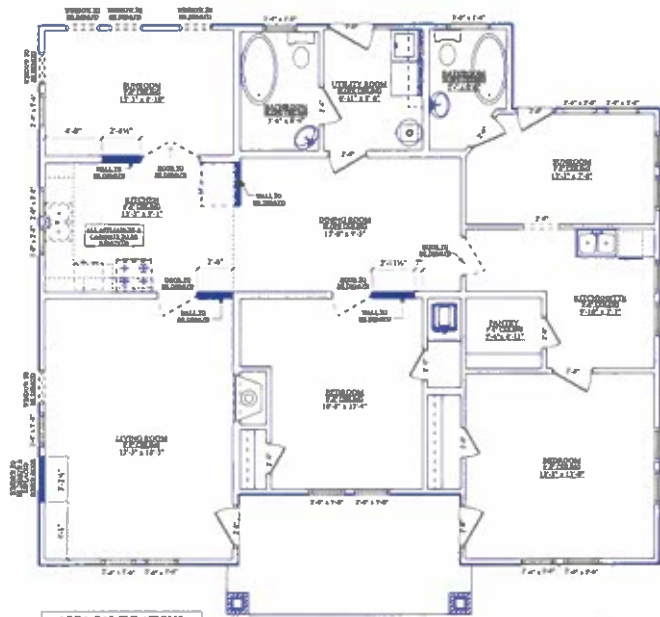
Number of employees: 2

Compatibility with adjoining uses: Katie Cakes Desserts will compliment the surrounding area extremely well, being able to provide a sweet addition to the downtown district and to places like the Ellis County Woman's Building next door. **We will provide letters of support from owners within the 200ft zone.** We will also pursue the opportunity to collaborate with all of our favorite downtown hot spots such as Railport Brewery, Cork and Keg and many others. Our business will not impact the natural resources of the area including the surrounding houses, businesses and municipal buildings. The historic front façade of this building will not be altered under the design that we have submitted. Parking and trash bins will be located behind the bakery. **Waste Management has confirmed that rolling bins are an option at this address** and will determine the proper size and location of the trash bins **once the zoning is changed.** There will not be any objectionable fumes, noise, odor, dust, glare, vibration or heat associated with our bakery. All safety precautions and equipment will be managed to the highest standard. The customer areas of the bakery will be ADA accessible.

Vision: Our business vision portrays an aesthetically pleasing bakery experience with a vintage Italian bakery theme, providing arguably the best cheesecakes/desserts anywhere in the world for customers to either pick up to go or share with a large group in an off-site catering function. We'll also be providing exclusive dessert for distribution to Waxahachie's other dining locations and in conjunction with the wonderful events that happen here frequently. Ingredients will be sourced locally to the best extent possible in order to provide another avenue of support for the community's local producers and farmers.

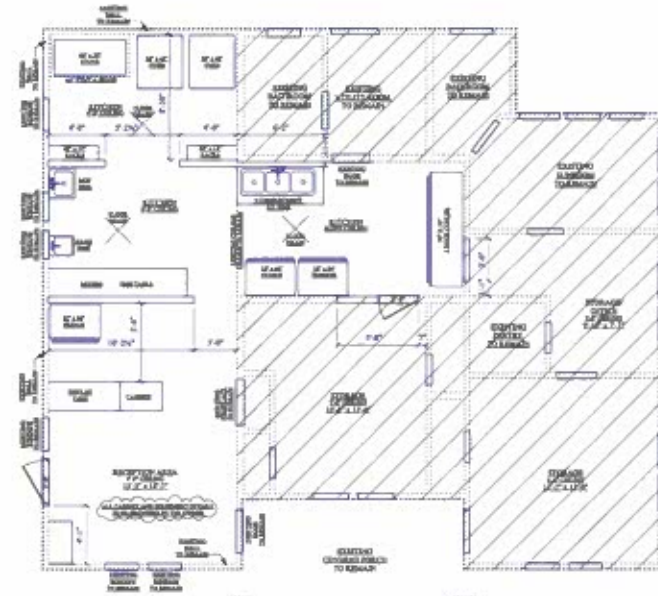
This bakery will be an awesome addition to Waxahachie's already tremendous downtown area. We will keep the historic charm of the area in full effect while catching the eye of anyone with a sweet tooth along with those looking to share the desserts with those they care about.

EXHIBIT E - FLOOR PLAN



AREA CALCULATIONS	
LIVING AREA	1,498
COVERED PORCH	135
TOTAL FOUNDATION	1,633

FLOOR PLAN - EXISTING AND DEMOLITION
SCALE: 1/4" = 1'-0"



AREA CALCULATIONS	
LIVING AREA	1,498
COVERED PORCH	135
TOTAL FOUNDATION	1,633

FLOOR PLAN - NEW
SCALE: 1/4" = 1'-0"

Five Certificates, Ownership and Liability

These plans are prepared and are subject to complete plan review by the Building Department. The Building Department is not responsible for the design of the building or for the safety of the building. The Building Department is not responsible for the design of the building or for the safety of the building. The Building Department is not responsible for the design of the building or for the safety of the building.

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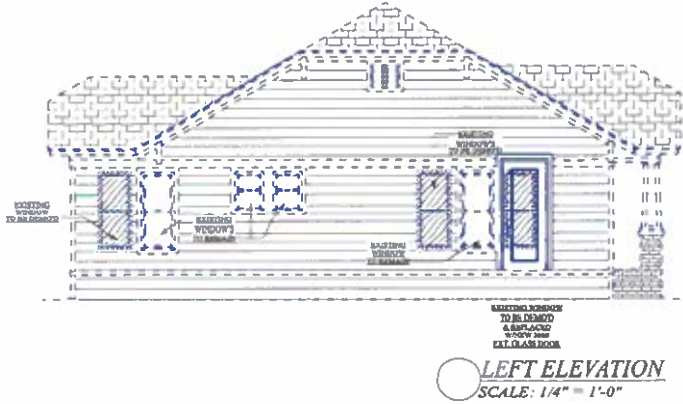
NOTES:

1. These plans are intended to provide the basic construction information necessary to construct the building. The contractor shall be responsible for providing the necessary details and specifications for the building.
2. The contractor shall be responsible for providing the necessary details and specifications for the building.
3. The contractor shall be responsible for providing the necessary details and specifications for the building.
4. The contractor shall be responsible for providing the necessary details and specifications for the building.
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17. The contractor shall be responsible for providing the necessary details and specifications for the building.
18. The contractor shall be responsible for providing the necessary details and specifications for the building.
19. The contractor shall be responsible for providing the necessary details and specifications for the building.
20. The contractor shall be responsible for providing the necessary details and specifications for the building.


 N.C.B.D.C.
 FEBRUARY 2nd, 2024
 A NEW RENOVATION BAKERY
 TO BE LOCATED @
 403 N. CHURCH ST.
 WAXAHACHIE, TX

 MASTER OF BAKING
 BAKERY CERTIFICATION # 174
 101 CHRISTIAN DRIVE
 SUITE 101
 WAXAHACHIE, TX 75165
 972.875.2310
 WWW.PLAN-MASTERS.COM


EXHIBIT F - FLOOR PLAN

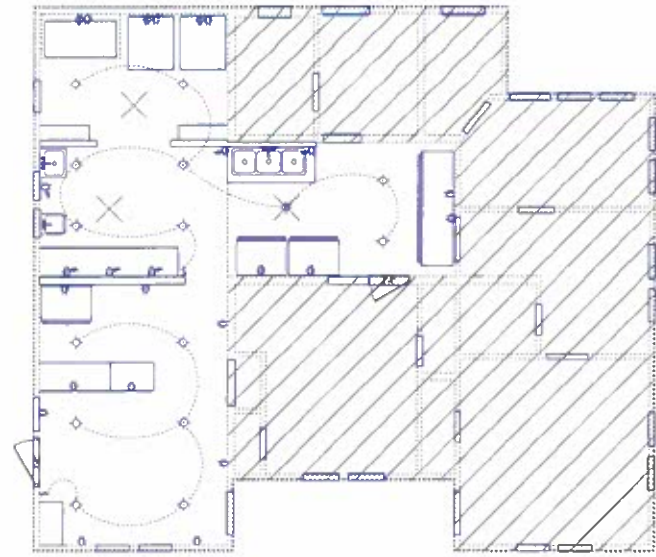


Plan, Copyright, Ownership and Liability

These plans are copyrighted and are subject to copyright protection as an architectural plan under various laws of the Copyright Act. (17 U.S.C. 101) as amended through 1990 and further as amended under various provisions of said laws. Violation of these laws may result in civil or criminal penalties. The architect shall not be responsible for any construction or other activities undertaken by the contractor or other parties not under the direct supervision of the architect. The architect shall not be responsible for any construction or other activities undertaken by the contractor or other parties not under the direct supervision of the architect. The architect shall not be responsible for any construction or other activities undertaken by the contractor or other parties not under the direct supervision of the architect. The architect shall not be responsible for any construction or other activities undertaken by the contractor or other parties not under the direct supervision of the architect.

When used in connection with any building for any purpose, these plans shall be subject to the provisions of the building code of the jurisdiction in which they are used. The architect shall not be responsible for any construction or other activities undertaken by the contractor or other parties not under the direct supervision of the architect. The architect shall not be responsible for any construction or other activities undertaken by the contractor or other parties not under the direct supervision of the architect.

Notes:
 1. These plans are intended to permit the work to be constructed in accordance with the provisions of the building code of the jurisdiction in which they are used. The architect shall not be responsible for any construction or other activities undertaken by the contractor or other parties not under the direct supervision of the architect. The architect shall not be responsible for any construction or other activities undertaken by the contractor or other parties not under the direct supervision of the architect.



GENERAL ELECTRICAL NOTES
 1. VERIFY ALL EXISTING ELECTRICAL, PLUMBING, MECHANICAL, AND STRUCTURAL CONDITIONS AND OBTAIN PERMITS FROM THE CITY ENGINEER OR LOCAL HEALTH DEPARTMENT.
 2. VERIFY ALL EXISTING ELECTRICAL, PLUMBING, MECHANICAL, AND STRUCTURAL CONDITIONS AND OBTAIN PERMITS FROM THE CITY ENGINEER OR LOCAL HEALTH DEPARTMENT.
 3. VERIFY ALL EXISTING ELECTRICAL, PLUMBING, MECHANICAL, AND STRUCTURAL CONDITIONS AND OBTAIN PERMITS FROM THE CITY ENGINEER OR LOCAL HEALTH DEPARTMENT.
 4. VERIFY ALL EXISTING ELECTRICAL, PLUMBING, MECHANICAL, AND STRUCTURAL CONDITIONS AND OBTAIN PERMITS FROM THE CITY ENGINEER OR LOCAL HEALTH DEPARTMENT.
 5. VERIFY ALL EXISTING ELECTRICAL, PLUMBING, MECHANICAL, AND STRUCTURAL CONDITIONS AND OBTAIN PERMITS FROM THE CITY ENGINEER OR LOCAL HEALTH DEPARTMENT.

ELECTRICAL PLAN
 SCALE: 1/4" = 1'-0"



**KATIE CAKES
 DESERT BAR**

FEBRUARY 2nd, 2024
 ANNE RENOVATION BAKERY
 TO BE LOCATED @
 407 W. W. BEFFERSON ST.
 BLOCK 21
 WAXAHACHIE, TX



138 CHRISTIAN DRIVE
 WAXAHACHIE, TX 75165
 OFFICE: 972.925.5710
 WWW.PLAN.MASTER.COM



(14)

STATE OF TEXAS § DEVELOPMENT AGREEMENT
 § FOR 409 W JEFFERSON STREET
 COUNTY OF ELLIS §

This Development Agreement for 409 W Jefferson Street (“Agreement”) is entered into between 57 Bluetruck LLC (“57BT”) and the City of Waxahachie, Texas (“City”). 57BT and the City are sometimes referred herein together as the “Parties” and individually as a “Party.”

Recitals:

1. 57BT is the owner of approximately 0.2036 acres of real property generally located at 409 W Jefferson Street, Parcel Number 171061 in the City of Waxahachie, Texas (the “Property”), for which the applicant has requested a change in the Property’s Single Family-1 (SF-1) zoning to a Planned Development-Commercial (“PD-C”) zoning, revising specific development standards. The Property is currently zoned Single Family-1 by the City, and is anticipated to have the PD reviewed on May 6, 2024.

2. The planned use of the Property is to create a Planned Development to allow for the use of Bakery, Retail development. The PD zoning process is utilized to ensure that the Property would develop in a manner that meets the City’s desired development standards, as well as providing 57BT with agreed-upon and negotiated standards consistent with their business objectives.

3. As is reflected by the public records of the City, significant discussions and negotiations between representatives of 57BT and the City of Waxahachie staff have occurred during various meetings, in an effort to obtain an agreed-upon and negotiated set of zoning and development standards to be reflected in the PD zoning amendment **Ordinance No. (TBD)** (the “**409 W Jefferson Street PD Ordinance**”), a copy of which is attached hereto as *Exhibit A* and which contains the negotiated zoning and development standards for 409 W Jefferson Street.

4. This Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards contained in the 409 W Jefferson Street PD Ordinance as contractually-binding obligations between the City of Waxahachie and 57BT, and to recognize 57BT’s reasonable investment-backed expectations in the 409 W Jefferson Street PD Ordinance and the planned development of 409 W Jefferson Street.

NOW, THEREFORE, for and in consideration of the above and foregoing premises, the benefits to each of the Parties from this Agreement, and other good and valuable consideration, the sufficiency of which is hereby acknowledged and agreed, the Parties do hereby agree as follows:

Section 1. Incorporation of Premises. The above and foregoing Recitals are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Term. This Agreement shall be effective as of the date of execution of this Agreement by the last of the Parties to do so (“Effective Date”). This Agreement shall remain in full

force and effect from the Effective Date until terminated by the mutual agreement of all of the Parties in writing ("**Term**").

Section 3. Agreements. The Parties agree as follows:

Incorporation of Zoning and Recognition of Investment-Backed Expectations:

The negotiated and agreed upon zoning and development standards contained in the 409 W Jefferson Street PD Ordinance, which incorporate by reference the general zoning regulations of the City of Waxahachie zoning ordinance, are hereby adopted and incorporated into this Agreement as contractually-binding obligations of the Developer.

The Developer agrees to:

- (A) A mutually agreed upon Development Agreement will be required for the property.
- (B) The development shall conform as approved by the City Council under case number ZDC-32-2024.
- (C) All materials, location of materials, and percentage of materials for all buildings shall be consistent as prescribed in the Elevation/Façade Plan (Exhibit F).
- (D) The owner shall submit a Certificate of Appropriateness to the Historic Preservation Officer for approval prior to construction of the proposed façade changes.
- (E) The owner shall preserve the existing canopy and understory trees along front and sides of the subject property in perpetuity.
- (F) A permanent irrigation system for all required landscape areas and required landscaping shall be maintained at all times.
- (G) The proposed monument sign shall adhere to the requirements of Section 5.08 of the Waxahachie Zoning Ordinance.
- (H) A fence shall be required along the east property line.
- (I) The Land Uses identified in Exhibit B – Restricted Uses shall be prohibited.
- (J) The development shall adhere to the City Council approved Exhibit A – Location Map, Exhibit B – Restricted Uses, Exhibit C – Operational Plan, Exhibit D – Site Plan Plan, Exhibit E – Floor Plan, and Exhibit F – Elevation/Façade Plan-East Elevation.
- (K) Any zoning, land use requirement, or restriction not contained within this Development Agreement or the 409 W Jefferson Street PD Ordinance, shall conform to those requirements and/or standards prescribed in Exhibit A – Location Map, Exhibit B – Restricted Uses, Exhibit C – Operational Plan, Exhibit D – Site Plan, Exhibit E – Floor Plan, and Exhibit F – Elevation/Façade Plan. Where regulations are

not specified in Exhibits A, B, C, D, E, and F, in this Development Agreement, or the 409 W Jefferson Street PD Ordinance, the regulations of the City of Waxahachie Zoning Ordinance shall apply to this development.

- (L) The Developer and Owner for the subject property shall be responsible for obtaining building permits per the City's applicable rules and regulations governing such permits.
- (M) The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
- (N) A physical copy of the Development Agreement with a notarized wet signature by the Developer shall be delivered by the Developer to the Planning Department within thirty (30) days following approval of the agreement.

In consideration of 57BT's agreement in this regard, the City of Waxahachie agrees that 57BT has reasonable investment-backed expectations in the 409 W Jefferson Street PD Ordinance, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in the 409 W Jefferson Street PD Ordinance without impacting 57BT's reasonable investment-backed expectations.

Section 4. Miscellaneous

- A. This Agreement and any dispute arising out of or relating to this Agreement shall be governed by and construed in accordance with the laws of the State of Texas, without reference to its conflict of law rules. In the event of any dispute or action under this Agreement, venue for any and all disputes or actions shall be instituted and maintained in Ellis County, Texas.
- B. It is acknowledged and agreed by the Parties that the terms hereof are not intended to and shall not be deemed to create a partnership, joint venture, joint enterprise, or other relationship between or among the Parties.
- C. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect other provisions, and it is the intention of the Parties to this Agreement that in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.
- D. The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by either Party shall not preclude or waive its right to use any or all other remedies. Said rights and remedies are given in addition to any other rights the Parties may have by law statute, ordinance, or otherwise. The failure by any Party to exercise any right, power, or option given to it by this Agreement, or to insist upon strict compliance with the terms of this Agreement, shall not constitute a waiver of the terms and conditions of this Agreement with respect to any

other or subsequent breach thereof, nor a waiver by such Party of its rights at any time thereafter to require exact and strict compliance with all the terms hereof. Any rights and remedies any Party may have with respect to the other arising out of this Agreement shall survive the cancellation, expiration or termination of this Agreement, except as otherwise expressly set forth herein.

E. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

F. Any of the representations, warranties, covenants, and obligations of the Parties, as well as any rights and benefits of the parties, pertaining to a period of time following the termination or expiration of this Agreement shall survive termination or expiration.

G. This Agreement is made subject to the existing provisions of the City of Waxahachie, its present rules, regulations, procedures and ordinances, and all applicable laws, rules, and regulations of the State of Texas and the United States.

H. The undersigned officers and/or agents of the Parties hereto are the properly authorized persons and have the necessary authority to execute this Agreement on behalf of the Parties hereto.

I. This Agreement may be only amended or altered by written instrument signed by the Parties.

J. The headings and captions used in this Agreement are for the convenience of the Parties only and shall not in any way define, limit or describe the scope or intent of any provisions of this Agreement.

K. This Agreement is the entire agreement between the Parties with respect to the subject matters covered in this Agreement. There are no other collateral oral or written agreements between the Parties that in any manner relates to the subject matter of this Agreement, except as provided or referenced in this Agreement.

L. This Agreement shall be recorded in the real property records of Ellis County, Texas. This Agreement and all of its terms, conditions, and provisions is and shall constitute a restriction and condition upon the development of the Property and all portions thereof and a covenant running with the Property and all portions thereof, and is and shall be binding upon 57BT and all heirs, successors, and assigns and the future owners of the Property and any portion thereof; provided, however, this Agreement shall not constitute an obligation of or be deemed a restriction or encumbrance with respect to any platted residential lot upon which a completed structure has been constructed.

M. **Form 1295 Certificate.** The Developer agrees to comply with Texas Government Code, Section 2252.908 and in connection therewith, the Developer agrees to go online with the Texas Ethics Commission to complete a Form 1295 Certificate and further agrees to print the completed certificate and execute the completed certificate in such form as is required by Texas Government Code, Section 2252.908 and the rules of the Texas Ethics Commission and provide to the Town, at the time of delivery of an executed counterpart of this Agreement, a duly executed completed Form 1295 Certificate.

N. **Undocumented Workers Provision.** The Developer certifies that Developer does not and will not knowingly employ an undocumented worker in accordance with Chapter 2264 of the Texas Government Code, as amended. If during the Term of this Agreement, Developer is convicted of a violation under 8 U.S.C. § 1324a(f), Developer shall repay the amount of any public subsidy provided under this Agreement to Developer plus six percent (6.0%), not later than the 120th day after the date the Town notifies Developer of the violation.

O. **Non-Boycott of Israel Provision.** In accordance with Chapter 2271 of the Texas Government Code, a Texas governmental entity may not enter into an agreement with a business entity for the provision of goods or services unless the agreement contains a written verification from the business entity that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the agreement. Chapter 2271 of the Texas Government Code does not apply to a (1) a company that is a sole proprietorship; (2) a company that has fewer than ten (10) full-time employees; or (3) the contract has a value of less than One Hundred Thousand Dollars (\$100,000.00). Unless Developer is not subject to Chapter 2271 of the Texas Government Code for the reasons stated herein, the signatory executing this Agreement on behalf of Developer verifies that Developer does not boycott Israel and will not boycott Israel during the Term of this Agreement.

P. **Prohibition on Contracts with Certain Companies Provision.** In accordance with Section 2252.152 of the Texas Government Code, the Parties covenant and agree that Developer is not on a list maintained by the State Comptroller's office prepared and maintained pursuant to Section 2252.153 of the Texas Government Code.

Q. **Verification Against Discrimination of Firearm or Ammunition Industries.** Pursuant to Texas Government Code Chapter 2274, (as added by Texas Senate Bill 19, 87th Tex. Reg. Session (2021) (effective September 1, 2021)) unless otherwise exempt, if the Developer employs at least ten (10) fulltime employees and this Agreement has a value of at least \$100,000 that is paid wholly or partly from public funds of the Town, the Developer represents that: (1) the Developer does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and (2) the Developer will not discriminate during the Term of the Agreement against a firearm entity or firearm trade association.

R. **Verification Against Discrimination Developer Does Not Boycott Energy Companies.** Pursuant to Texas Government Code Chapter 2274, (as added by Texas Senate Bill 13, 87th Tex. Reg. Session (2021) (effective September 1, 2021)) unless otherwise exempt, if the Developer employs at least ten (10) fulltime employees and this Agreement has a value of at least \$100,000 that is paid wholly or partly from public funds of the Town, the Developer represents that: (1) the Developer does not boycott energy companies; and (2) the Developer will not boycott energy companies during the Term of this Agreement.

(15)

{Signature Pages Follow}

EXECUTED by the Parties on the dates set forth below, to be effective as of the date first written above.

CITY OF WAXAHACHIE, TEXAS

By: _____
Michael Scott, City Manager

Date: _____

ATTEST:

By: _____
City Secretary

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

Before me, the undersigned authority, on this _____ day of _____, personally appeared MICHAEL SCOTT, City Manager of the City of Waxahachie, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

(15)

: 57 BLUETRUCK LLC (Owner)

By: _____

Date: _____

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

Before me, the undersigned authority, on this _____ day of _____, personally appeared _____, representative of 57 Bluetruck LLC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

(16)

Planning & Zoning Department Zoning Staff Report

Case: ZDC-4-2024



MEETING DATE(S)

Planning & Zoning Commission: April 23, 2024
City Council: May 6, 2024

CAPTION

Public Hearing on a request by Brad Yates, Loren Gray Investments LLC, for a **Specific Use Permit (SUP)** for an **Accessory Structure +700sf** use within a Single Family-2 (SF-2) zoning district located at 110 Farley Street (Property ID 175879) - Owner: Loren Gray Investments LLC (ZDC-4-2024)

RECOMMENDED MOTION

"I move to approve ZDC-4-2024, a Specific Use Permit (SUP) for an Accessory Structure greater than 700 square feet, subject to the conditions the staff report, authorizing the City Manager and or Mayor to execute all documents accordingly."

ACTION SINCE INICIAL STAFF REPORT

At the Planning & Zoning Commission meeting held on April 23, 2024, the Commission voted 7-0 to recommend approval of case number ZDC-4-2024, subject to the conditions of the staff report.

APPLICANT REQUEST

The Applicant requests approval of a Specific Use Permit for an Accessory Structure (garage) over 700 square feet at 110 Farley Street.

CASE INFORMATION

Applicant: Brad Yates, Loren Gray Investments LLC
Property Owner(s): Loren Gray Investments LLC
Site Acreage: 0.259 acres
Current Zoning: Single Family-2 (SF-2)
Requested Zoning: Single Family-2 (SF-2) with a SUP for an Accessory Structure

SUBJECT PROPERTY

General Location: 110 Farley Street
Parcel ID Number(s): 175879
Existing Use: A single-family home currently exists on the subject property.
Development History: The property is platted as Lot 22 of the Strickland Addition.

(16)

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	SF-2	Single Family Residence
East	SF-2	Single Family Residence
South	SF-2	Single Family Residence
West	PD-NS	Trinity Church Waxahachie

Future Land Use Plan:

Mixed-Use Neighborhood

Comprehensive Plan:

A mixed-use neighborhood harkens back to the pre-suburban development pattern with smaller lots, smaller setbacks, shorter blocks, diverse housing typologies and very importantly, a mix of uses. This mixing of activities and uses allows the area to adapt and change over time to suit the needs of its inhabitants. Though it is not imperative for uses to always be mixed within the same building, it is important to note that large monolithic developments with near-exclusive uses, such as large multiplex apartments or retail centers with large land areas devoted to automobile parking, do not suit mixed-use neighborhoods. Mixed-use neighborhoods are places where residents can live, work and play and are primarily accessible by foot. Given the various housing typologies encouraged in this placetype, it is essential to make sure residential uses appropriately transition from one another based on the housing typology.

Thoroughfare Plan:

The subject property is accessible via a driveway on Rousseau Street.

Site Image:



PLANNING ANALYSIS

The applicant requests a Specific Use Permit (SUP) to construct an accessory garage structure greater than 700 square feet at 110 Farley Street. The property currently has an existing accessory structure used for storage that will be demolished during the construction of the proposed garage. Per the City of Waxahachie Zoning Ordinance, an accessory structure greater than 700 square feet requires a SUP to be approved by the City Council.

(1u)

Proposed Use:

According to the Ellis County Appraisal District, the single-family dwelling is approximately 1,568 square feet, and the proposed accessory structure has an area of approximately 1,261 square feet. The accessory structure features an exterior façade and roof designed to complement the existing home on the subject property. Both structures will feature siding as the primary exterior construction material. Additional detail can be referenced in the elevation/façade plan (Exhibit C).

The owner plans to utilize the accessory structure as a garage for the existing home on the subject property. The existing home does not have a garage or an improved driveway to support parking on the site. The owner has noted that he will use the garage as storage and a workshop for his private vehicles. The structure will be situated at the property's rear and accessible via Rousseau Street. The location of the proposed structure meets the typical setback requirements of the Waxahachie Zoning Ordinance. It is also important to note that there are several existing accessory garage structures of comparable size located within a block of the subject property. Water and sewer services are not proposed for the accessory structure.

The applicant has confirmed to staff that the structure will not be used as a dwelling or short-term rental and will not be metered, sold, or leased separately from the existing primary structure.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 22 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun, and a sign was visibly posted at the property. Staff has received three (3) letters of support for the proposed accessory structure.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents associated with the request, the Planning Department recommends approval of the SUP request with the conditions listed below.

Conditions:

1. The accessory structure shall not be used as an accessory dwelling or Short-Term Rental without a Specific Use Permit approved by City Council.
2. The accessory structure shall not be used for commercial purposes.
3. The accessory structure shall not be leased or sold separately from the primary residence and shall not be separately metered.
4. The accessory structure shall obtain all necessary permits from the City of Waxahachie Building and Community Services Department before constructing the accessory structure.

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. SUP Ordinance
3. Location map (Exhibit A)
4. Site Plan (Exhibit B)
5. Elevation/Façade Plan (Exhibit C)

STAFF CONTACT INFORMATION

Prepared by:

Zack King, AICP

Senior Planner

zking@waxahachie.com

Reviewed by:

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

jennifer.pruitt@waxahachie.com

(16)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-4-2024

RECEIVED APR 1 2024

PINTO RISA H
108 FARLEY ST
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Brad Yates, Loren Gray Investments LLC, for a **Specific Use Permit (SUP)** for an Accessory Structure +700sf use within a Single Family-2 (SF-2) zoning district located at 110 Farley Street (Property ID 175879) - Owner: Loren Gray Investments LLC (ZDC-4-2023) Staff: Zack King

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-4-2024

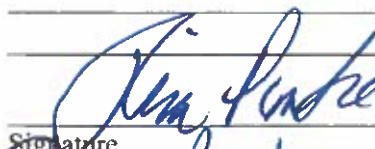
City Reference: 175888

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:



Signature
RISA PINTO

Printed Name and Title

4-8-2024

Date
108 Farley Street, Waxahachie

Address
TX 75165

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

(16)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-4-2024



LOREN GRAY INVESTMENTS LLC
PO BOX 2868
WAXAHACHIE, TX 75168-8868

RECEIVED APR 17 2024

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Brad Yates, Loren Gray Investments LLC, for a **Specific Use Permit (SUP)** for an Accessory Structure +700sf use within a Single Family-2 (SF-2) zoning district located at 110 Farley Street (Property ID 175879) - Owner: Loren Gray Investments LLC (ZDC-4-2023) Staff: Zack King

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-4-2024

City Reference: 175886

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

[Redacted comment area]

Signature

Brad Yates, Owner
Printed Name and Title

4-9-2024

Date

202 Rousseau Street
Address Waxahachie, TX 75165

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.



(16)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-4-2024

LOREN GRAY INVESTMENTS LLC
PO BOX 2868
WAXAHACHIE, TX 75168-8868

RECEIVED APR 17 2024

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Brad Yates, Loren Gray Investments LLC, for a Specific Use Permit (SUP) for an Accessory Structure +700sf use within a Single Family-2 (SF-2) zoning district located at 110 Farley Street (Property ID 175879) - Owner: Loren Gray Investments LLC (ZDC-4-2023) Staff: Zack King

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-4-2024

City Reference: 175879

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on April 17, 2024 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Fits in with neighborhood

Comments:

~~_____~~

Signature

[Handwritten Signature]

Brad Yates, Owner
Printed Name and Title

Date

4-9-2024

Address

*110 Farley Street
Waxahachie, TX 75165*

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY STRUCTURE GREATER THAN 700 SQUARE FEET USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED 110 FARLEY STREET, BEING PROPERTY ID 175879, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 22, OF THE STRICKLAND ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

WHEREAS, the City Council of the City of Waxahachie having heretofore adopted a zoning ordinance and map showing the classification of the various property located within the city limits of said City; and

WHEREAS, the described property is classified in said ordinance and any amendments thereto as SF-2; and

WHEREAS, a proper application for a SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-4-2024. Said application having been referred to the Planning and Zoning (P&Z) Commission, was recommended by the P&Z Commission for approval and the issuance thereof; and

WHEREAS, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and,

WHEREAS, a proper hearing was held as required by law and the Council having heard all arguments for and against said SUP;

NOW, THEREFORE, this property is rezoned from SF-2 to SF-2, with a SUP in order to permit an Accessory Structure Greater Than 700 Square Feet use on the following property: Lot 22 of the Strickland Addition, which is shown on Exhibit A, in accordance with the Site Plan attached as Exhibit B, and the Elevation/Façade Plan attached as Exhibit C.

SPECIFIC USE PERMIT

Purpose and Intent

The purpose of this Ordinance is to provide the appropriate restrictions and development controls that ensure this Specific Use Permit is compatible with the surrounding development and zoning and to also ensure that the development complies with the City's Comprehensive Plan and Zoning Ordinance.

Specific Use Permit

FOR THE OPERATION OF A SPECIFIC USE PERMIT FOR AN ACCESSORY STRUCTURE GREATER THAN 700 SQUARE FEET USE IN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The accessory structure shall not be used as a dwelling without a Specific Use Permit that has been approved by City Council.
2. The accessory structure shall not be used as a short-term rental without a Specific Use Permit that has been approved by City Council.
3. The accessory structure shall not be used for commercial purposes.
4. The accessory structure shall not be leased or sold separately from the primary residence and shall not be separately metered.
5. The accessory structure shall obtain all necessary permits from the City of Waxahachie Building and Community Services Department before constructing the accessory structure.
6. Development on the subject property shall adhere to the following exhibits approved by the City Council: Exhibit A - Location Map, Exhibit B – Site Plan, Exhibit C – Elevation/Façade Plan.
7. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
8. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan and Exhibit C –Elevation/Façade Plan. Where regulations are not specified in Exhibits B and C, or this Zoning Ordinance, the regulations of the Single Family-2 (SF-2) Zoning District shall apply to this development.
9. City Council shall have the right to review the Specific Use Permit at any point, if needed.

(17)

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business of establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six (6) months, a new Specific Use Permit shall be required to reestablish the use.
3. This Specific Use Permit shall run with the land and therefore may be transferred from owner to owner.
4. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

PASSED, APPROVED AND ADOPTED on this 6th day of May, 2024.

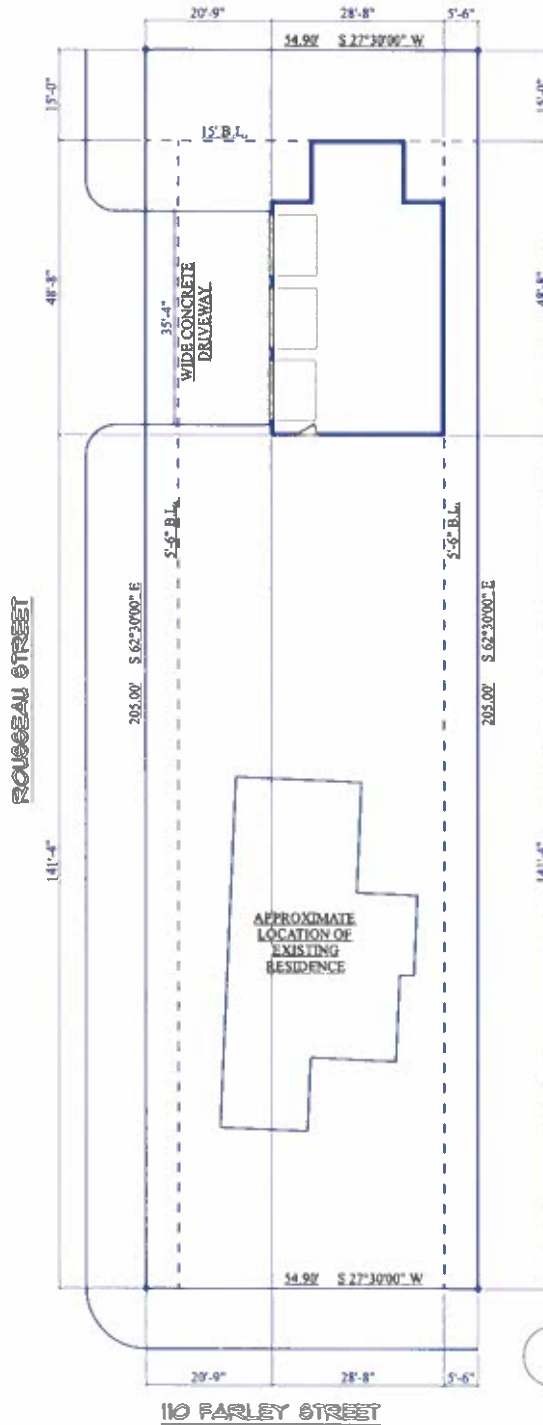
MAYOR

ATTEST:

City Secretary

EXHIBIT A - LOCATION MAP





**SITE DATA TABLE
OF REAR BUILDING LINES
WITHIN 50' OF PROPERTY**

108 FARLEY 12' B.L.
202 FARLEY 6' B.L.
114 ROUSSEAU 4' B.L.

SITE PLAN
SCALE: 1" = 20'-0"



130 CHIEFTAIN DRIVE
SUITE 101
WAXAHACHE, TX 75165
OFFICE: (972) 935-9710
WWW.PLAN.MASTER.COM



FEBRUARY 29th, 2024

A NEW DETACHED GARAGE
TO BE LOCATED @
110 FARLEY ST
LOT 22 - STRICKLAND ADD.
WAXAHACHE, TX - ELLIS COUNTY

**COLONIAL
RESTORATION**



Planning & Zoning Department Zoning Staff Report

Case: ZDC-56-2024



MEETING DATE(S)

Planning & Zoning Commission: April 23, 2024
City Council: May 6, 2024

CAPTION

Public Hearing on a request by Brad Yates, Graily Holdings LLC, for a **Specific Use Permit (SUP)** for a Short-Term Rental use within a Single Family-3 (SF-3) zoning district located at 800 Dunaway Street (Property ID 172314) - Owner: Graily Holdings LLC (ZDC-56-2024)

RECOMMENDED MOTIONS

- "I move to deny ZDC-56-2024, a Specific Use Permit (SUP) for a Short-Term Rental use."
- "I move to approve ZDC-56-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly."

ACTION SINCE INICIAL STAFF REPORT

At the Planning & Zoning Commission meeting held on April 23, 2024, the Commission voted 7-0 to recommend approval of case number ZDC-56-2024, subject to the conditions of the staff report.

APPLICANT REQUEST

The Applicant requests a specific use permit for a Short-Term Rental use at 800 Dunaway Street.

CASE INFORMATION

Applicant: Brad Yates, Graily Holdings LLC

Property Owner(s): Graily Holdings LLC

Site Acreage: 0.149 acres

Current Zoning: Single Family-3 (SF-3)

Requested Zoning: SF-3 with a Specific Use Permit (SUP) for a Short-Term Rental

SUBJECT PROPERTY

General Location: 800 Dunaway Street

Parcel ID Number(s): 172314

Existing Use: Vacant

Development History: A single family home was demolished in early 2023.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	SF-3	Single Family Residence
East	PD-SF-3	The Graily Event Center
South	SF-3 w/ SUP for a STR	Single Family Residence
West	SF-3	Full Life Assembly of God Church

Future Land Use Plan:

Mixed Use Neighborhood

Comprehensive Plan:

A mixed-use neighborhood harkens back to the pre-suburban development pattern with smaller lots, smaller setbacks, shorter blocks, diverse housing typologies and very importantly, a mix of uses. This mixing of activities and uses allows the area to adapt and change over time to suit the needs of its inhabitants. Though it is not imperative for uses to always be mixed within the same building, it is important to note that large monolithic developments with near exclusive uses such as large multiplex apartments or retail centers with large land area being devoted to automobile parking do not suit mixed-use neighborhoods. Mixed-use neighborhoods are places where residents can live, work and play and are primarily accessible by foot. Given the various housing typologies encouraged in this placetype, it is essential to make sure residential uses appropriately transition from one another based on the housing typology.

Thoroughfare Plan:

The subject property is accessible via Dunaway St. and Dewberry St.

Site Image:



PLANNING ANALYSIS

During the City Council meeting held on October 16, 2023, Councilmembers approved an ordinance to allow the use of a short-term rental in all zoning districts with an approved SUP with the exception of Central Area (CA) zoning district. All residential-use properties located within the Central Area (CA) zoning district are allowed to operate a short-term rental by right without seeking the approval of a SUP.

The Applicant is requesting a SUP for a short-term rental use located at 800 Dunaway Street because it is located within the SF-3 zoning district. The subject property is approximately 0.149 acres (6,490 square feet) in size and is currently vacant. The owner of the property demolished an existing home on the subject property in early 2023. The owner has provided concept plans for a new home as part of this application. The concept plans show the subject property can accommodate a four (4) bedroom home and sufficient off-street parking for up to four (4) vehicles. The applicant has satisfied all of the requirements of Section 3.27 of the Zoning Ordinance.

During the planning analysis, staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the subject property's current use in the last 12 months.

The local emergency contact provided by the applicant is Brad Yates (972) 938-3383, 626 Kaufman Street, Waxahachie, TX 75165 ycolonialgroup@yahoo.com , located 1.6 miles from the subject property.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 64 notices were mailed to property owners within 500 feet of the as required in Section 3.27 of the City's Zoning Ordinance. In addition, a notice was published in the Waxahachie Sun, and a sign was visibly posted at the property. At the time of the publishing of this staff report, a total of one (1) letter of opposition and seven (7) letters of support were received by staff, with three (3) letters of support being inside the 200' buffer and the remainder outside of the 200' buffer.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents associated with the request, if considering a recommendation for approval:

Conditions:

1. The short-term rental operator shall complete the STR registration process with the City's vendor, and pay the annual and a renewal fee set by Ordinance No. 3415, or as amended.
2. The short-term rental operator shall register for a Hotel Occupancy Tax account with the City's vendor.
3. The short-term rental operator shall allow a maximum occupancy of eight (8) guests per stay.
4. The short-term rental operator shall provide a maximum of four (4) off-street parking spaces.
5. The short-term rental operator shall adhere to all regulations in Section 3.27 of the City's Zoning Ordinance.
6. A mutually agreed upon Development Agreement shall be required for the development.
7. The Site Plan shall be revised to ensure no more than two driveway approaches are present.

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Development Agreement/SUP Ordinance
3. Location Map (Exhibit A)
4. Zoning Map (Exhibit B)
5. Floorplan (Exhibit C)
6. Site Plan (Exhibit D)
7. Elevation/Façade Plan (Exhibit E)
8. Host Rules (Exhibit F)

STAFF CONTACT INFORMATION

Prepared by:
Zack King, AICP
Senior Planner
zking@waxahachie.com

Reviewed by:
Jennifer Pruitt, AICP, LEED-AP, CNU-A
Senior Director of Planning
jennifer.pruitt@waxahachie.com

bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-56-2024

City Reference: 172367

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on April 17, 2024 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

I totally oppose, today there was a fight amongst those renting Vettes' unit and two police cars escorted some great car of the premises. THIS IS A RESIDENTIAL AREA, NOT A Party Zone

Signature

Date 4/16/24

Printed Name and Title

Rosa Maria Galindo-Sletropin

Address

70 J. Rogers St.

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

(18)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-56-2024

LOREN GRAY INVESTMENTS LLC
PO BOX 2868
WAXAHACHIE, TX 75168-8868

RECEIVED APR 17 2024

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Brad Yates, Graily Holdings LLC, for a **Specific Use Permit (SUP)** for a Short-Term Rental use within a Single Family-3 (SF-3) zoning district located at 800 Dunaway Street (Property ID 172314) - Owner: Graily Holdings LLC (ZDC-56-2024) Staff: Zack King

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-56-2024

City Reference: 172393

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SUPPORT

OPPOSE

Comments:

In support because of the lack of quality hotels in our community and we want to support tourism.

Signature

Brad Yates, Owner
Printed Name and Title

Date

4-9-2024
713 Givens Street
Address *Waxahachie, TX 75165*

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

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(18)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-56-2024



GRAILY HOLDINGS LLC
PO Box 2868
Waxahachie, TX 75168-8868

RECEIVED APR 17 2024

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Case Number: ZDC-56-2024

City Reference: 172362

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

In support because of the lack of quality hotels
in our community and we want to support tourism.

Signature

Brad Yates, Owner

Printed Name and Title

4-9-2024

Date

904 S. Rogers Street

Address waxahachie, TX 75165

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

(18)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-56-2024



GRAILY HOLDINGS LLC
PO Box 2868
Waxahachie, TX 75168-8868

RECEIVED APR 17 2024

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Case Number: ZDC-56-2024

City Reference: 193948

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

In support because of the lack of quality hotels
in our community and we want to support tourism.

Signature

Brad Yates, Owner
Printed Name and Title

Date

4-9-2024
716 Dunaway Street
Address
Waxahachie, Tx. 75165

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City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-56-2024



LOREN GRAY INVESTMENTS LLC
PO BOX 2868
WAXAHACHIE, TX 75168-8868

RECEIVED APR 17 2024

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Case Number: ZDC-56-2024

City Reference: 172384

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SUPPORT

OPPOSE

Comments:

In support because of the lack of quality hotels
in our community and we want to support tourism.

Signature

Brad Yates, Owner

Printed Name and Title

Date

4-9-2024
414 Brady Street

Address Waxahachie, Tx 75165

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City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-56-2024

GRAILY HOLDINGS LLC
PO Box 2868
Waxahachie, TX 75168-8868

RECEIVED APR 17 2024

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Case Number: ZDC-56-2024

City Reference: 172314

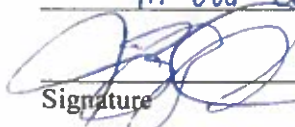
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SUPPORT

OPPOSE

Comments:

In support because of the lack of quality hotels
in our community and we want to support tourism.


Signature

4-9-2024
Date

Brad Yates, Owner
Printed Name and Title

800 Dunaway Street
Address Waxahachie, TX 75165



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-56-2024



LOREN GRAY INVESTMENTS LLC
PO BOX 2868
WAXAHACHIE, TX 75168-8868

RECEIVED APR 17 2024

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Case Number: ZDC-56-2024

City Reference: 172364

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

In support because of the lack of quality hotels
in our community and we want to support tourism.

Signature

4-9-2024
Date

Brad Yates, Owner
Printed Name and Title

207 Pasley Street
Address Waxahachie, TX 75165

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City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-56-2024

GRAILY HOLDINGS LLC
PO Box 2868
Waxahachie, TX 75168-8868

RECEIVED APR 17 2024

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Case Number: ZDC-56-2024

City Reference: 172305

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SUPPORT

OPPOSE

Comments:

In support because of the lack of quality hotels in our community and we want to support tourism.

Signature

Brad Yates, Owner

Printed Name and Title

4-9-2024

Date

804 Dunaway Street

Address Waxahachie, TX 75165

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A SINGLE FAMILY-2 (SF-3) ZONING DISTRICT, LOCATED 800 DUNAWAY STREET, BEING PROPERTY ID 172314, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 3, BLOCK 6 OF THE BULLARD REVISION SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

WHEREAS, the City Council of the City of Waxahachie having heretofore adopted a zoning ordinance and map showing the classification of the various property located within the city limits of said City; and

WHEREAS, the described property is classified in said ordinance and any amendments thereto as SF-3; and

WHEREAS, a proper application for a SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-56-2024. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

WHEREAS, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and,

WHEREAS, a proper hearing was held as required by law and the Council having heard all arguments for and against said SUP;

NOW, THEREFORE, this property is rezoned from SF-3 to SF-3, with a SUP in order to permit a Short-Term Rental use on the following property: Lot 3, Block 6 of the Bullard Revision subdivision, which is shown on Exhibit A, in accordance with the Zoning Map attached as Exhibit B, the Floor Plan attached as Exhibit C, the Site Plan attached as Exhibit D, the Elevation/Façade Plan attached as Exhibit E, and the Host Rules attached as Exhibit F.

SPECIFIC USE PERMIT

Purpose and Intent

The purpose of this ordinance is to provide the appropriate restrictions and development controls that ensure this Specific Use Permit is compatible with the surrounding development and zoning and to also ensure that the development complies with the City's Comprehensive Plan and the Zoning Ordinance.

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A SHORT-TERM RENTAL USE IN THE SINGLE-FAMILY DWELLING-3 (SF-3) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The subject property shall conform to the site plan approved by the City Council under case number ZDC-56-2024.
2. Development on the subject property shall adhere to the following exhibits approved by the City Council: Exhibit A - Location Map, Exhibit B – Zoning Map, Exhibit C – Floorplan, Exhibit D – Site Plan, Exhibit E – Elevation/Façade Plan, and Exhibit F – Host Rules.
3. All materials, location of materials, and percentage of materials for all buildings shall be consistent as prescribed in the Elevation/Façade Plan (Exhibit E).
4. The Applicant and/or STR Operator for the subject property shall be responsible for obtaining registration per the City’s applicable rules and regulations governing such permits.
5. The Applicant and/or STR Operator for the subject property shall be responsible to pay hotel occupancy taxes as required per Section 3.27.e.7 of the City of Waxahachie Zoning Ordinance.
6. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance or the 800 Dunaway Street Development Agreement, shall conform to those requirements and/or standards prescribed in Exhibit C – Floor Plan, Exhibit D - Site Plan, Exhibit E – Elevation/Façade Plan, Exhibit F – Host Rules. Where regulations are not specified in Exhibits C, D, E, F in this Zoning Ordinance or the 800 Dunaway Street Development Agreement, the regulations of Single Family-3 (SF-3) zoning district of the City of Waxahachie Zoning Ordinance shall apply to this development.
7. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
8. City Council shall have the right to review the Specific Use Permit at any point, necessary.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate, a new Specific Use Permit shall be required to reestablish the use.
3. This Specific Use Permit shall run with the owner and therefore shall not be transferred from owner to owner.

(19)

4. The owner and/or short-term rental operator shall renew registration on an annual basis of the amount in the Fee Schedule set forth by Ordinance 3415, or as amended.
5. The owner/short-term rental operator is subject to a maximum occupancy of eight (8) guests per stay.
6. The short-term rental operator is subject to provide a maximum of four (4) off-street parking spaces.
7. The short-term rental operator must adhere to all regulations stated in Section 3.27 of the City's Zoning Ordinance.
8. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

PASSED, APPROVED AND ADOPTED on this 6th day of May, 2024.

MAYOR

ATTEST:

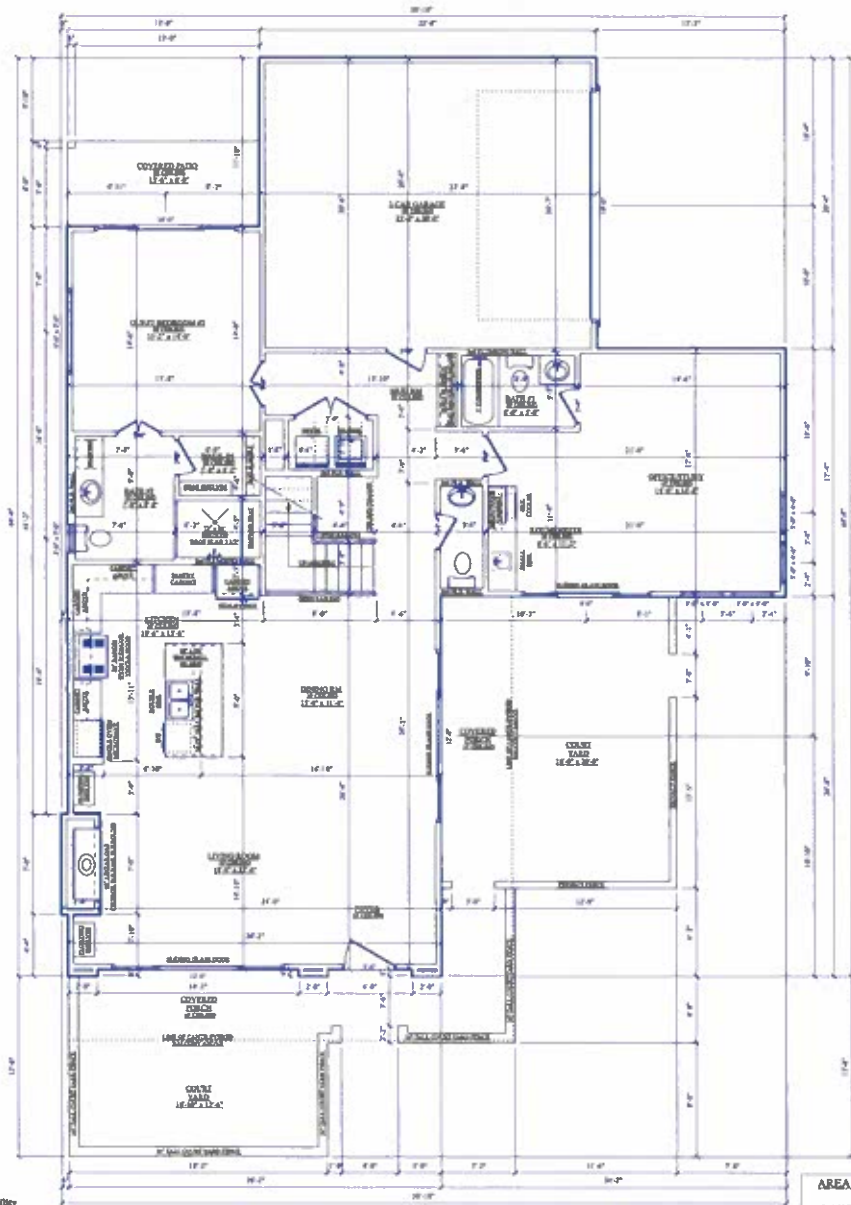
City Secretary

EXHIBIT A - LOCATION MAP



EXHIBIT B - ZONING MAP





LOWER FLOOR PLAN
SCALE: 1/4" = 1'-0"

AREA CALCULATIONS	
LOWER LIVING	1,680
UPPER LIVING	1,528
TOTAL LIVING AREA	3,218
COVERED PATIO	81
2-CAR GARAGE	477
TOTAL FOUNDATION	2,218
TOTAL UNDER ROOF	3,816
- OPEN BALCONY	285

Plan Copyright, Ownership and Liability

These plans are copyrighted and are the property of the architect. No part of these plans may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the architect. The architect shall not be responsible for any errors or omissions in these plans, or for any consequences arising from the use of these plans. The architect shall not be responsible for any construction or other work done in accordance with these plans, or for any consequences arising from the use of these plans. The architect shall not be responsible for any construction or other work done in accordance with these plans, or for any consequences arising from the use of these plans.

NOTES:
1. These plans are intended to provide the basic construction information necessary to determine the construction of the structure. The architect shall not be responsible for any construction or other work done in accordance with these plans, or for any consequences arising from the use of these plans.

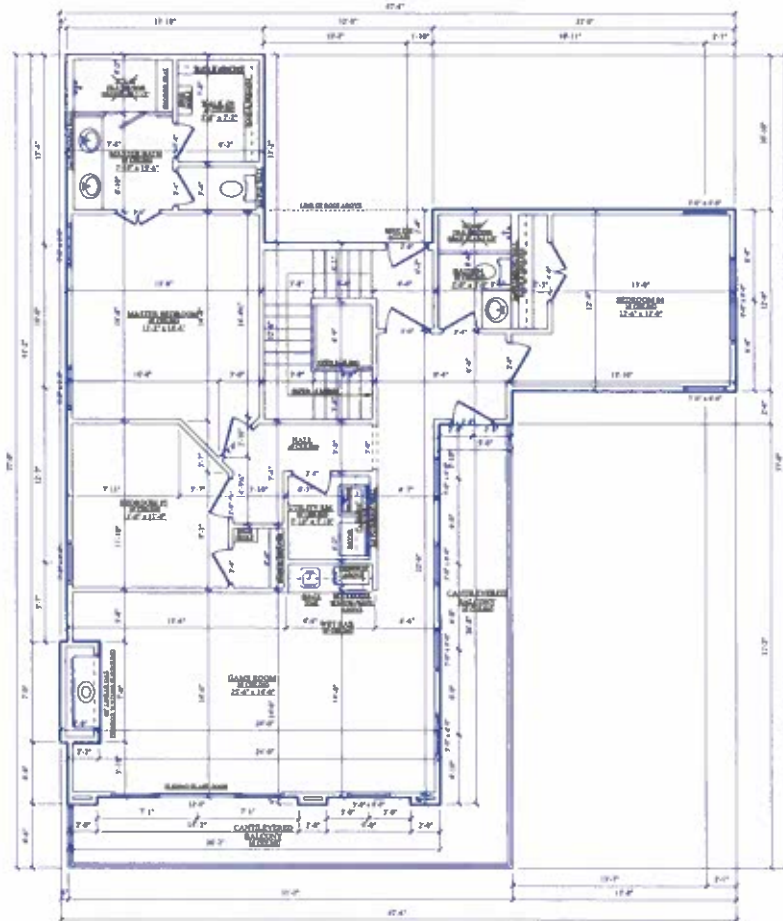
31
Plan Master
130 CHESTNUT DRIVE
SUITE 101
WAXAHACHIE, TX 75165
OFFICE (972) 935-9719
WWW.PLAN-MASTER.COM

ALLEN COUNTY REGISTERED ARCHITECT # 790
AIB
REGISTERED ARCHITECT

FEBRUARY 16th, 2024
A NEW SINGLE FAMILY HOME
TO BE LOCATED @
300 DUNAWAY ST.
LOT 3 BLOCK 6 - BULLARDS ADDITION
WAXAHACHIE, TX - ELLIS COUNTY.

COLONIAL RESTORATION
P.O. BOX 2868
WAXAHACHIE, TEXAS 75168
CELL 214-882-4699

N.C.B.D.C.
NATIONAL COUNCIL OF BUILDERS
DEVELOPER



UPPER FLOOR PLAN
SCALE 1/4" = 1'0"

Plan Copyright, Ownership and Liability

This plan is copyrighted and is either a copyright or a trademark of the author. It is the property of the author and is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the author. The author assumes no liability for any errors or omissions in this plan. The user of this plan is advised to consult with a professional engineer or architect before using this plan for any construction project. The author is not responsible for any damages or injuries resulting from the use of this plan.

- 1. This plan is intended for use as a guide only and is not to be used for construction without the approval of a professional engineer or architect.
- 2. The user of this plan is advised to consult with a professional engineer or architect before using this plan for any construction project.
- 3. The author is not responsible for any damages or injuries resulting from the use of this plan.

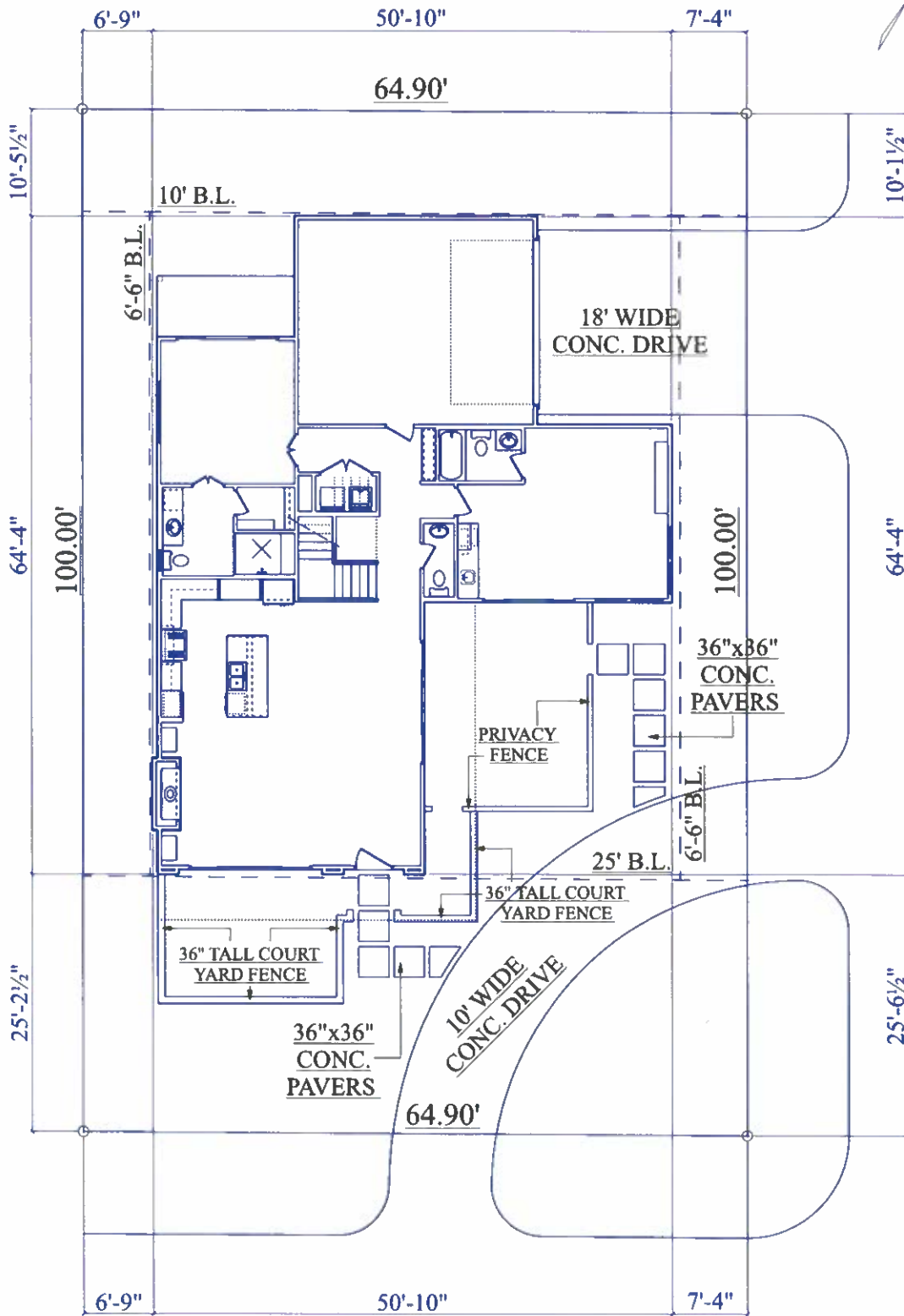
NOTES:

1. These plans are intended to provide the basic construction information necessary to build the structure. The user is responsible for obtaining all necessary permits and for providing all necessary details and specifications.
2. The user is responsible for providing all necessary materials and labor.
3. The user is responsible for providing all necessary utilities and services.
4. The user is responsible for providing all necessary foundation and structural details.
5. The user is responsible for providing all necessary exterior and interior finishes.
6. The user is responsible for providing all necessary landscaping and site work.
7. The user is responsible for providing all necessary mechanical, electrical, and plumbing details.
8. The user is responsible for providing all necessary fire and life safety details.
9. The user is responsible for providing all necessary energy efficiency details.
10. The user is responsible for providing all necessary accessibility details.
11. The user is responsible for providing all necessary sustainability details.
12. The user is responsible for providing all necessary quality control details.
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99. The user is responsible for providing all necessary emotional details.
100. The user is responsible for providing all necessary physical details.

	<p>130 CINETARI DRIVE SUITE 101 WAXAHACHIE, TX 75165 OFFICE (972) 35-9710 WWW.PLAN-MASTER.COM</p>		<p>FEBRUARY 16th, 2024</p> <p>A NEW SINGLE FAMILY HOME TO BE LOCATED @ 800 DUNAWAY ST. LOT 1 BLOCK 5 - RUI LARDS ADDITION WAXAHACHIE, TX - ELLIS COUNTY.</p>	<p>COLONIAL RESTORATION P.O. BOX 2668 WAXAHACHIE, TEXAS 75168 CELL 214-582-4699</p>	
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EXHIBIT D - SITE PLAN

(19)



AVENUE C

800 DUNAWAY STREET

SITE PLAN
SCALE: 1" = 10'-0"



130 CHEIFTEAN DRIVE
SUITE 101
WAXAHACHIE, TX 75165
OFFICE: (972) 935-9710
WWW.PLAN-MASTER.COM

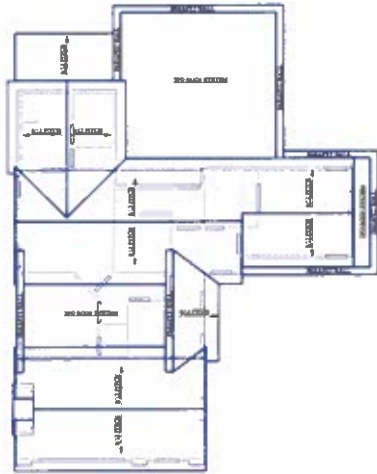


FEBRUARY 16th, 2024
A NEW SINGLE FAMILY HOME
TO BE LOCATED @
800 DUNAWAY ST.
LOT 1 BLOCK 6 - BULLARDS ADDITION
WAXAHACHIE, TX - ELLIS COUNTY.

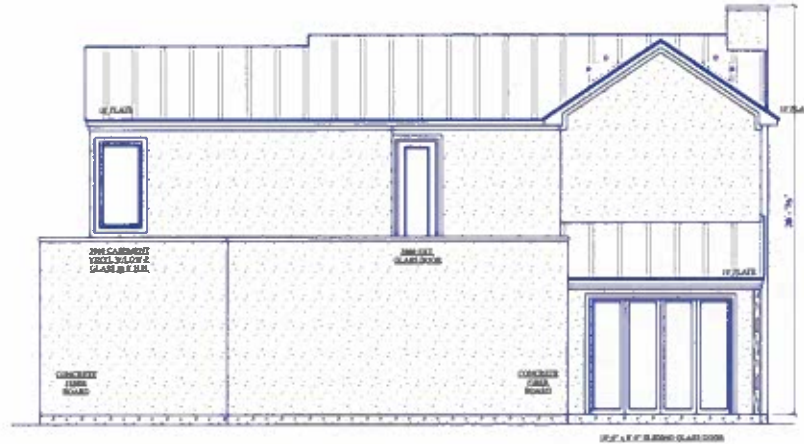
COLONIAL RESTORATION
P.O. BOX 2868
WAXAHACHIE, TEXAS 75168
CELL 214-882-4699



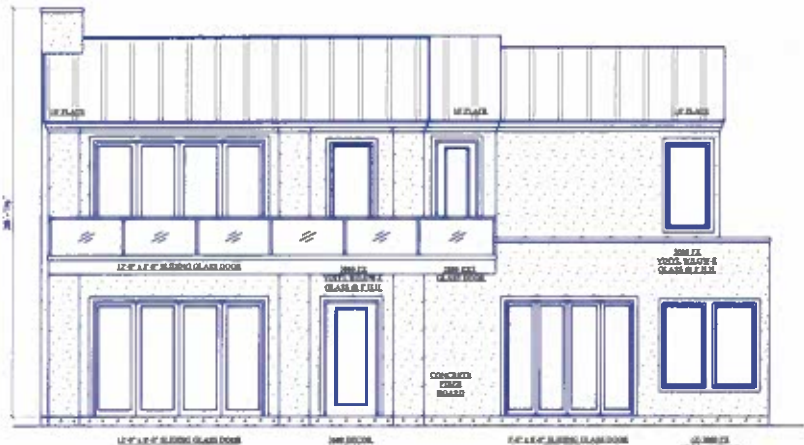
EXHIBIT E - ELEVATION/FACADE PLAN



ROOF PLAN
SCALE: 1/8" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"



FRONT ELEVATION
SCALE: 1/4" = 1'-0"

Plan Copyright, Ownership and Liability

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NOTES:

1. These plans are intended to provide a basic construction reference only. It is the responsibility of the contractor to verify all dimensions and details shown on these plans. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.
2. All work shall be done in accordance with the applicable building codes and regulations.
3. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.
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13. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.

MATTHEW L. EDWARDS
 LICENSED PROFESSIONAL ENGINEER
 STATE OF TEXAS, LICENSE NO. 10476

COLONIAL RESTORATION
 A NEW SINGLE FAMILY HOME TO BE LOCATED @
 300 DUNAWAY ST.
 LOT 3 BLOCK 6 - BULLARDS ADDITION
 WAXAHACHIE, TX, ELLIS COUNTY
 CELL 214-882-4099

FEBRUARY 16th, 2024

Steve Lee Design
 116 CHRISTIAN DRIVE
 WAXAHACHIE, TX 75165
 OFFICE 972-925-5718
 WWW.PLANMASTER.COM

(b1)

EXHIBIT E - ELEVATION/FACADE PLAN



ROOF LAYOUT PLAN
SCALE: 1/8" = 1'-0"



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

Plan, Copyright, Ownership and Liability

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NOTES:

1. Show plan as indicated to provide the basic understanding of the structure and its location. The plan is not to be used as a construction document.
2. Show plan as indicated to provide the basic understanding of the structure and its location. The plan is not to be used as a construction document.
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COLONIAL RESTORATION
P.O. BOX 2868
WAXAHACHE, TEXAS 75166
CELL 314-832-4699

FEBRUARY 16th, 2024
A NEW SINGLE FAMILY HOME
FOR
300 BRINWAY ST
LOT 3 BLOCK 6 BILLARDS ADDITION
WAXAHACHE, TX, BELLS COUNTY.

MASTER PLAN DESIGN
1100 CANTON ST
SUITE 101
WAXAHACHE, TX 75166
OFFICE (972) 933-2710
WWW.PLANMASTER.COM

DR. CHRISTIAN DRIVE
SUITE 101
WAXAHACHE, TX 75166
OFFICE (972) 933-2710
WWW.PLANMASTER.COM

HOUSE POLICIES

800 Dunaway Street is provided to your for your enjoyment. We ask that you please be gentle and respect the house rules. Welcome to Waxahachie and we hope you enjoy our town.

- ABSOLUTELY NO SMOKING AND NO PETS.
- Please do not move furniture.
- No glitter or confetti.
- Do not attach decorations/signs, etc to walls, ceilings, decor, or furniture.
- Property damage or excessive cleaning needs will result in additional charges to guest.
- Please respect our neighbors. Reduce noise & turn off patio lights after 10pm & do not park in front of their properties.
- City mandated quiet hours are enforced from 10pm to 6am.
- NO OUTDOOR SPEAKERS AFTER 10PM PER CITY ORDINANCE.
- City fines may be assessed for violation of parking and noise ordinances. All violation fees will be passed on to the guest.
- Maximum occupancy 8 guests at all times. No parties with additional guests.

**HOUSE POLICIES ARE STRICTLY ENFORCED.
VIOLATIONS MAY RESULT IN ADDITIONAL
CHARGES OR IMMEDIATE EVICTION WITHOUT
REFUND.**

STATE OF TEXAS § DEVELOPMENT AGREEMENT
 § FOR 800 DUNAWAY STREET
 COUNTY OF ELLIS §

This Development Agreement for 800 Dunaway Street ("Agreement") is entered into between Graily Holdings LLC ("GH") and the City of Waxahachie, Texas ("City"). GH and the City are sometimes referred herein together as the "Parties" and individually as a "Party."

Recitals:

1. GH is the owner of approximately 0.149 acres of real property generally located at 800 Dunaway Street, Parcel Number 172314 in the City of Waxahachie, Texas (the "Property"), for which the applicant has requested a change in the Property's Single Family-3 (SF-3) zoning to a Single Family-3 (SF-3) with Specific Use Permit ("SUP") zoning, revising specific development standards. The Property is currently zoned Single Family-3 by the City, and is anticipated to have the SUP reviewed on May 6, 2024.

2. The planned use of the Property is to create a Specific Use Permit to allow for the use of Short-Term Rental development. The SUP zoning process is utilized to ensure that the Property would develop in a manner that meets the City's desired development standards, as well as providing GH with agreed-upon and negotiated standards consistent with their business objectives.

3. As is reflected by the public records of the City, significant discussions and negotiations between representatives of GH and the City of Waxahachie staff have occurred during various meetings, in an effort to obtain an agreed-upon and negotiated set of zoning and development standards to be reflected in the SUP zoning amendment **Ordinance No. (TBD)** (the "**800 Dunaway Street**" SUP), a copy of which is attached hereto as *Exhibit A* and which contains the negotiated zoning and development standards for 800 Dunaway Street.

4. This Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards contained in the 800 Dunaway Street SUP Ordinance as contractually-binding obligations between the City of Waxahachie and GH, and to recognize GH's reasonable investment-backed expectations in the 800 Dunaway Street SUP Ordinance and the planned development of 800 Dunaway Street.

NOW, THEREFORE, for and in consideration of the above and foregoing premises, the benefits to each of the Parties from this Agreement, and other good and valuable consideration, the sufficiency of which is hereby acknowledged and agreed, the Parties do hereby agree as follows:

Section 1. Incorporation of Premises. The above and foregoing Recitals are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Term. This Agreement shall be effective as of the date of execution of this Agreement by the last of the Parties to do so ("Effective Date"). This Agreement shall remain in full

force and effect from the Effective Date until terminated by the mutual agreement of all of the Parties in writing ("Term").

Section 3. Agreements. The Parties agree as follows:

Incorporation of Zoning and Recognition of Investment-Backed Expectations:

The negotiated and agreed upon zoning and development standards contained in the 800 Dunaway Street SUP Ordinance, which incorporate by reference the general zoning regulations of the City of Waxahachie zoning ordinance, are hereby adopted and incorporated into this Agreement as contractually-binding obligations of the Developer.

The Developer agrees to:

- (A) A mutually agreed upon Development Agreement will be required for the property.
- (B) The development shall conform as approved by the City Council under case number ZDC-56-2024.
- (C) Development on the subject property shall adhere to the following exhibits approved by the City Council: Exhibit A - Location Map, Exhibit B – Zoning Map, Exhibit C – Floorplan, Exhibit D – Site Plan, Exhibit E – Elevation/Façade Plan, and Exhibit F – Host Rules.
- (D) All materials, location of materials, and percentage of materials for all buildings shall be consistent as prescribed in the Elevation/Façade Plan (Exhibit E).
- (E) The Applicant and/or STR Operator for the subject property shall be responsible for obtaining registration per the City's applicable rules and regulations governing such permits.
- (F) The Applicant and/or STR Operator for the subject property shall be responsible to pay hotel occupancy taxes as required per Section 3.27.e.7 of the City of Waxahachie Zoning Ordinance.
- (G) Any zoning, land use requirement, or restriction not contained within this Development Agreement or Zoning Ordinance (Ordinance No. **TBD**), shall conform to those requirements and/or standards prescribed in Exhibit C – Floor Plan, Exhibit D - Site Plan, Exhibit E – Elevation/Façade Plan, Exhibit F – Host Rules. Where regulations are not specified in Exhibits C, D, E, F in this Development Agreement or Zoning Ordinance (Ordinance No. **TBD**), the regulations of Single Family-3 (SF-3) zoning district of the City of Waxahachie Zoning Ordinance shall apply to this development.
- (H) All development within the subject property will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.

- (I) The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
- (J) A physical copy of the Development Agreement with a notarized wet signature by the Developer shall be delivered by the Developer to the Planning Department within thirty (30) days following approval of the agreement.

In consideration of GH's agreement in this regard, the City of Waxahachie agrees that GH has reasonable investment-backed expectations in the 800 Dunaway Street SUP Ordinance, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in the 800 Dunaway Street SUP Ordinance without impacting GH's reasonable investment-backed expectations.

Section 4. Miscellaneous

- A. This Agreement and any dispute arising out of or relating to this Agreement shall be governed by and construed in accordance with the laws of the State of Texas, without reference to its conflict of law rules. In the event of any dispute or action under this Agreement, venue for any and all disputes or actions shall be instituted and maintained in Ellis County, Texas.
- B. It is acknowledged and agreed by the Parties that the terms hereof are not intended to and shall not be deemed to create a partnership, joint venture, joint enterprise, or other relationship between or among the Parties.
- C. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect other provisions, and it is the intention of the Parties to this Agreement that in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.
- D. The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by either Party shall not preclude or waive its right to use any or all other remedies. Said rights and remedies are given in addition to any other rights the Parties may have by law statute, ordinance, or otherwise. The failure by any Party to exercise any right, power, or option given to it by this Agreement, or to insist upon strict compliance with the terms of this Agreement, shall not constitute a waiver of the terms and conditions of this Agreement with respect to any other or subsequent breach thereof, nor a waiver by such Party of its rights at any time thereafter to require exact and strict compliance with all the terms hereof. Any rights and remedies any Party may have with respect to the other arising out of this Agreement shall survive the cancellation, expiration or termination of this Agreement, except as otherwise expressly set forth herein.
- E. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

F. Any of the representations, warranties, covenants, and obligations of the Parties, as well as any rights and benefits of the parties, pertaining to a period of time following the termination or expiration of this Agreement shall survive termination or expiration.

G. This Agreement is made subject to the existing provisions of the City of Waxahachie, its present rules, regulations, procedures and ordinances, and all applicable laws, rules, and regulations of the State of Texas and the United States.

H. The undersigned officers and/or agents of the Parties hereto are the properly authorized persons and have the necessary authority to execute this Agreement on behalf of the Parties hereto.

I. This Agreement may be only amended or altered by written instrument signed by the Parties.

J. The headings and captions used in this Agreement are for the convenience of the Parties only and shall not in any way define, limit or describe the scope or intent of any provisions of this Agreement.

K. This Agreement is the entire agreement between the Parties with respect to the subject matters covered in this Agreement. There are no other collateral oral or written agreements between the Parties that in any manner relates to the subject matter of this Agreement, except as provided or referenced in this Agreement.

L. This Agreement shall be recorded in the real property records of Ellis County, Texas. This Agreement and all of its terms, conditions, and provisions is and shall constitute a restriction and condition upon the development of the Property and all portions thereof and a covenant running with the Property and all portions thereof, and is and shall be binding upon GH and all heirs, successors, and assigns and the future owners of the Property and any portion thereof; provided, however, this Agreement shall not constitute an obligation of or be deemed a restriction or encumbrance with respect to any platted residential lot upon which a completed structure has been constructed.

M. **Form 1295 Certificate.** The Developer agrees to comply with Texas Government Code, Section 2252.908 and in connection therewith, the Developer agrees to go online with the Texas Ethics Commission to complete a Form 1295 Certificate and further agrees to print the completed certificate and execute the completed certificate in such form as is required by Texas Government Code, Section 2252.908 and the rules of the Texas Ethics Commission and provide to the Town, at the time of delivery of an executed counterpart of this Agreement, a duly executed completed Form 1295 Certificate.

N. **Undocumented Workers Provision.** The Developer certifies that Developer does not and will not knowingly employ an undocumented worker in accordance with Chapter 2264 of the Texas Government Code, as amended. If during the Term of this Agreement, Developer is convicted of a violation under 8 U.S.C. § 1324a(f), Developer shall repay the amount of any public subsidy provided under this Agreement to Developer plus six percent (6.0%), not later than the 120th day after the date the Town notifies Developer of the violation.

O. **Non-Boycott of Israel Provision.** In accordance with Chapter 2271 of the Texas Government Code, a Texas governmental entity may not enter into an agreement with a business entity for the provision of goods or services unless the agreement contains a written verification from the business entity that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the agreement. Chapter 2271 of the Texas Government Code does not apply to a (1) a company that is a sole proprietorship; (2) a company that has fewer than ten (10) full-time employees; or (3) the contract has a value of less than One Hundred Thousand Dollars (\$100,000.00). Unless Developer is not subject to Chapter 2271 of the Texas Government Code for the reasons stated herein, the signatory executing this Agreement on behalf of Developer verifies that Developer does not boycott Israel and will not boycott Israel during the Term of this Agreement.

P. **Prohibition on Contracts with Certain Companies Provision.** In accordance with Section 2252.152 of the Texas Government Code, the Parties covenant and agree that Developer is not on a list maintained by the State Comptroller's office prepared and maintained pursuant to Section 2252.153 of the Texas Government Code.

Q. **Verification Against Discrimination of Firearm or Ammunition Industries.** Pursuant to Texas Government Code Chapter 2274, (as added by Texas Senate Bill 19, 87th Tex. Reg. Session (2021) (effective September 1, 2021)) unless otherwise exempt, if the Developer employs at least ten (10) fulltime employees and this Agreement has a value of at least \$100,000 that is paid wholly or partly from public funds of the Town, the Developer represents that: (1) the Developer does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and (2) the Developer will not discriminate during the Term of the Agreement against a firearm entity or firearm trade association.

R. **Verification Against Discrimination Developer Does Not Boycott Energy Companies.** Pursuant to Texas Government Code Chapter 2274, (as added by Texas Senate Bill 13, 87th Tex. Reg. Session (2021) (effective September 1, 2021)) unless otherwise exempt, if the Developer employs at least ten (10) fulltime employees and this Agreement has a value of at least \$100,000 that is paid wholly or partly from public funds of the Town, the Developer represents that: (1) the Developer does not boycott energy companies; and (2) the Developer will not boycott energy companies during the Term of this Agreement.

(20)

{Signature Pages Follow}

(20)

EXECUTED by the Parties on the dates set forth below, to be effective as of the date first written above.

CITY OF WAXAHACHIE, TEXAS

By: _____
Michael Scott, City Manager

Date: _____

ATTEST:

By: _____
City Secretary

STATE OF TEXAS §

COUNTY OF ELLIS §

Before me, the undersigned authority, on this _____ day of _____, personally appeared MICHAEL SCOTT, City Manager of the City of Waxahachie, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

(20)

: GRAILY HOLDINGS LLC (Owner)

By: _____

Date: _____

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

Before me, the undersigned authority, on this _____ day of _____, personally appeared _____, representative of Graily Holdings LLC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

(21)

Planning & Zoning Department Zoning Staff Report

Case: ZDC-54-2024



MEETING DATE(S)

Planning & Zoning Commission:

April 23, 2024

City Council:

May 6, 2024

CAPTION

Public Hearing on a request by Taylor Towles, Elmwood Wonder W, for a **Specific Use Permit (SUP)** for a Short-Term Rental use within a Planned Development-Single Family-2 (PD-SF-2) zoning district located at 95 Elmwood Trail (Property ID 222754) - Owner: Elmwood Wonder W (ZDC-54-2024)

RECOMMENDED MOTIONS

- "I move to deny ZDC-54-2024, a Specific Use Permit (SUP) for a Short-Term Rental use."
- "I move to approve ZDC-54-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly."

ACTION SINCE INICIAL STAFF REPORT

At the Planning & Zoning Commission meeting held on April 23, 2024, the Commission voted 7-0 to recommend approval of case number ZDC-54-2024, subject to the conditions of the staff report.

APPLICANT REQUEST

The Applicant requests a specific use permit for a Short-Term Rental use at 95 Elmwood Trail.

CASE INFORMATION

Applicant: Taylor Towles, Elmwood Wonder W
Property Owner(s): Elmwood Wonder W
Site Acreage: 0.152 acres
Current Zoning: Planned Development-Single Family-2 (PD-SF-2)
Requested Zoning: PD-SF-2 with a Specific Use Permit (SUP) for a Short-Term Rental

SUBJECT PROPERTY

General Location: 95 Elmwood Trail
Parcel ID Number(s): 222754
Existing Use: A single-family home currently occupies the subject property.
Development History: The subject property is currently platted as Lot 69, Block A of the River Oaks Phase 4 Addition.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	PD-SF-2	Cypress Creek Apartments
East	PD-SF-2	Single Family Residence
South	PD-SF-2	Single Family Residence
West	PD-SF-2	Single Family Residence

Future Land Use Plan:

Mixed Use Neighborhood

Comprehensive Plan:

A mixed-use neighborhood harkens back to the pre-suburban development pattern with smaller lots, smaller setbacks, shorter blocks, diverse housing typologies and very importantly, a mix of uses. This mixing of activities and uses allows the area to adapt and change over time to suit the needs of its inhabitants. Though it is not imperative for uses to always be mixed within the same building, it is important to note that large monolithic developments with near exclusive uses such as large multiplex apartments or retail centers with large land area being devoted to automobile parking do not suit mixed-use neighborhoods. Mixed-use neighborhoods are places where residents can live, work and play and are primarily accessible by foot. Given the various housing typologies encouraged in this placetype, it is essential to make sure residential uses appropriately transition from one another based on the housing typology.

Thoroughfare Plan:

The subject property is accessible via Elmwood Trail.

Site Image:



PLANNING ANALYSIS

During the City Council meeting held on October 16, 2023, Councilmembers approved an ordinance to allow the use of a short-term rental in all zoning districts with an approved SUP with the exception of Central Area (CA) zoning district. All residential-use properties located within the Central Area (CA) zoning district are allowed to operate a short-term rental by right without seeking the approval of a SUP.

The Applicant is requesting a SUP for a short-term rental use located at 95 Elmwood Trail because it is located within the PD-SF-2 zoning district. The subject property consists of a primary structure of approximately 2,497 square feet with four (4) bedrooms and enough improved surface to accommodate for the maximum parking spaces of four (4) vehicles, situated on an approximately 0.152-acre (6,621 square feet) lot. The applicant has been operating a short-term rental since approximately March of 2022, and has not been paying local hotel occupancy taxes. The applicant has satisfied all the requirements of Section 3.27 of the Zoning Ordinance. At the time of the publishing of this staff report, the City has received no complaints regarding any issues that are considered a nuisance.

During the planning analysis, staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the subject property and its current use in the past 12 months.

The local emergency contact provided by the applicant is Taylor Towles (512) 809-4396, 5535 FM813, Waxahachie, TX. 75152, ttowles00@gmail.com, located 7.1 miles from the subject property.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City’s public hearing notice requirements, 51 notices were mailed to property owners within 500 feet of the as required in Section 3.27 of the City’s Zoning Ordinance. In addition, a notice was published in the Waxahachie Sun, and a sign was visibly posted at the property. At the time of the publishing of this staff report, a total of five (5) letters of opposition were received by staff, with four (4) letters being inside the 200’ buffer and the remainder outside of the 200’ buffer.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents associated with the request, if considering a recommendation for approval:

Conditions:

1. The short-term rental operator shall complete the STR registration process with the City’s vendor, and pay the annual and a renewal fee set by Ordinance No. 3415, or as amended.
2. The short-term rental operator shall register for a Hotel Occupancy Tax account with the City’s vendor.
3. The short-term rental operator shall allow a maximum occupancy of eight (8) guests per stay.
4. The short-term rental operator shall provide a maximum of four (4) off-street parking spaces.
5. The short-term rental operator shall adhere to all regulations stated in Section 3.27 of the City’s Zoning Ordinance.

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. SUP Ordinance
3. Location Map (Exhibit A)
4. Zoning Map (Exhibit B)
5. Floorplan (Exhibit C)
6. Site Plan (Exhibit D)
7. Host Rules (Exhibit E)

STAFF CONTACT INFORMATION

Prepared by:

Zack King, AICP

Senior Planner

zking@waxahachie.com

Reviewed by:

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

jennifer.pruitt@waxahachie.com



(21)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-54-2024

SHORE JESSE S III
88 Elmwood Trl
Waxahachie, TX 75165-2155

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Taylor Towles, Elmwood Wonder W, for a **Specific Use Permit (SUP)** for a Short-Term Rental use within a Planned Development-Single Family-2 (PD-SF-2) zoning district located at 95 Elmwood Trail (Property ID 222754) - Owner: Elmwood Wonder W (ZDC-54-2024) Staff: Zack King

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-54-2024

City Reference: 222758

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Jesse Shore
Signature

4/6/24
Date

Jesse Shore Owner
Printed Name and Title

88 Elmwood Trl
Address

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

(21)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-54-2024



OWENS JONATHAN D & REBECCA L
97 ELMWOOD TRL
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Taylor Towles, Elmwood Wonder W, for a **Specific Use Permit (SUP)** for a Short-Term Rental use within a Planned Development-Single Family-2 (PD-SF-2) zoning district located at 95 Elmwood Trail (Property ID 222754) - Owner: Elmwood Wonder W (ZDC-54-2024) Staff: Zack King

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-54-2024

City Reference: 222755

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

I don't fault the owner but the fact that I live next door to a party house isn't neighborly. This a neighborhood, not a vacation spot. Loud music and lots of cars is a problem.

Jonathan Owens
Signature

4-7-24
Date

Mr. Jonathan Owens
Printed Name and Title

97 Elmwood Trl.
Address

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

(21)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-54-2024

PALAFXO FREDERICO & EMMA Y SIGALA
510 TIMBER DR
WAXAHACHIE, TX 75165-2153

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Taylor Towles, Elmwood Wonder W, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Planned Development-Single Family-2 (PD-SF-2) zoning district located at 95 Elmwood Trail (Property ID 222754) - Owner: Elmwood Wonder W (ZDC-54-2024) Staff: Zack King

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Case Number: ZDC-54-2024

City Reference: 222745

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on April 17, 2024 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Will interfere with daily work to our Park.
Don't support this proposition

[Signature]
Signature

4-8-24
Date

Frederico Palafox Jr
Printed Name and Title

510 Timber Dr. Waxahachie TX
Address

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

Case Number: ZDC-54-2024

City Reference: 222766

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

RECEIVED APR 15 2024

SUPPORT

OPPOSE

Comments:

I am a senior citizen, living across from this property. I live BY MYSELF

Judy Haff

Signature

Date

4-8-24

Printed Name and Title

Judy Haff

Address

94 Elmwood Trail

Concerned Senior Citizen

Please! Read Comments on next

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

Page

(12)

(21)

Case # 2 DC-54-2024.

City reference 222766

As a Senior Citizen living across from 95 Elmwood Trail, I am concerned about the airbnb you want to put there.

We have enough extra cars parked on our street without adding more. Also if they park in front of a mailbox,

(21)

the mailman doesn't get out to deliver the mail.

I would also be less safe with different people going in & out of this house lessening my quality of life.

This being Waxahachie I'm sure my concerns don't carry much weight but I would ask yourselves if I were your mom,

(21)

would you want
a short-term rental
across the street

Please! Share this
amongst yourselves
& think hard about
how you would
feel

Thank you

Judy Huff
94 Elmwood
River Oaks
addition



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-54-2024

(21)

RAMOS JOSE & ADELA
89 LILLY LN
WAXAHACHIE, TX 75165-2158

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Taylor Towles, Elmwood Wonder W, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Planned Development-Single Family-2 (PD-SF-2) zoning district located at 95 Elmwood Trail (Property ID 222754) - Owner: Elmwood Wonder W (ZDC-54-2024) Staff: Zack King

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-54-2024

City Reference: 222774

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on April 17, 2024 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Adela Ramos

Signature

4-15-24

Date

Adela Ramos

Printed Name and Title

89 Lilly Lane

Address

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a bl

(22)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A PLANNED DEVELOPMENT-SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED AT 95 ELMWOOD TRAIL, BEING PROPERTY ID 222754, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 69, BLOCK A OF THE RIVER OAKS PHASE 4 ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

WHEREAS, the City Council of the City of Waxahachie having heretofore adopted a zoning ordinance and map showing the classification of the various property located within the city limits of said City; and

WHEREAS, the described property is classified in said ordinance and any amendments thereto as PD-SF-2; and

WHEREAS, a proper application for a SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-54-2024. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

WHEREAS, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and,

WHEREAS, a proper hearing was held as required by law and the Council having heard all arguments for and against said SUP;

NOW, THEREFORE, this property is rezoned from PD-SF-2 to PD-SF-2 with a SUP in order to permit a Short-Term Rental use on the following property: Lot 69, Block A of the River Oaks Phase 4 Addition, which is shown on Exhibit A, in accordance with the Zoning Map attached as Exhibit B, the Floor Plan attached as Exhibit C, the Site Plan attached as Exhibit D, and the Host Rules attached as Exhibit E.

SPECIFIC USE PERMIT

Purpose and Intent

The purpose of this ordinance is to provide the appropriate restrictions and development controls that ensure this Specific Use Permit is compatible with the surrounding development and zoning and to also ensure that the development complies with the City's Comprehensive Plan and the Zoning Ordinance.

(22)

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A SHORT-TERM RENTAL USE IN A PLANNED DEVELOPMENT-SINGLE-FAMILY-2 (PD-SF-2) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The subject property shall conform to the site plan approved by the City Council under case number ZDC-54-2024.
2. Development on the subject property shall adhere to the following exhibits approved by the City Council: Exhibit A - Location Map, Exhibit B – Zoning Map, Exhibit C – Floor Plan, Exhibit D – Site Plan, and Exhibit E – Host Rules.
3. The Applicant and/or STR Operator for the subject property shall be responsible for obtaining registration per the City's applicable rules and regulations governing such permits.
4. The Applicant and/or STR Operator for the subject property shall be responsible to pay hotel occupancy taxes as required per Section 3.27.e.7 of the City of Waxahachie Zoning Ordinance.
5. The subject property shall comply with the City of Waxahachie Municipal Code and Zoning Ordinance when any zoning, land use requirement, or restriction is not addressed or disclosed in Exhibits C, D, and E.
6. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
7. City Council shall have the right to review the Specific Use Permit at any point, necessary.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate, a new Specific Use Permit shall be required to reestablish the use.
3. This Specific Use Permit shall run with the owner and therefore shall not be transferred from owner to owner.
4. The owner and/or short-term rental operator shall renew registration on an annual basis of the amount in the Fee Schedule set forth by Ordinance 3415, or as amended.
5. The owner/short-term rental operator is subject to a maximum occupancy of eight (8) guests per stay.
6. The short-term rental operator is subject to provide a maximum of four (4) off-street parking spaces.
7. The short-term rental operator must adhere to all regulations stated in Section 3.27 of the City's Zoning Ordinance.

(22)

8. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

PASSED, APPROVED AND ADOPTED on this 6th day of May, 2024.

MAYOR

ATTEST:

City Secretary

EXHIBIT A - LOCATION MAP

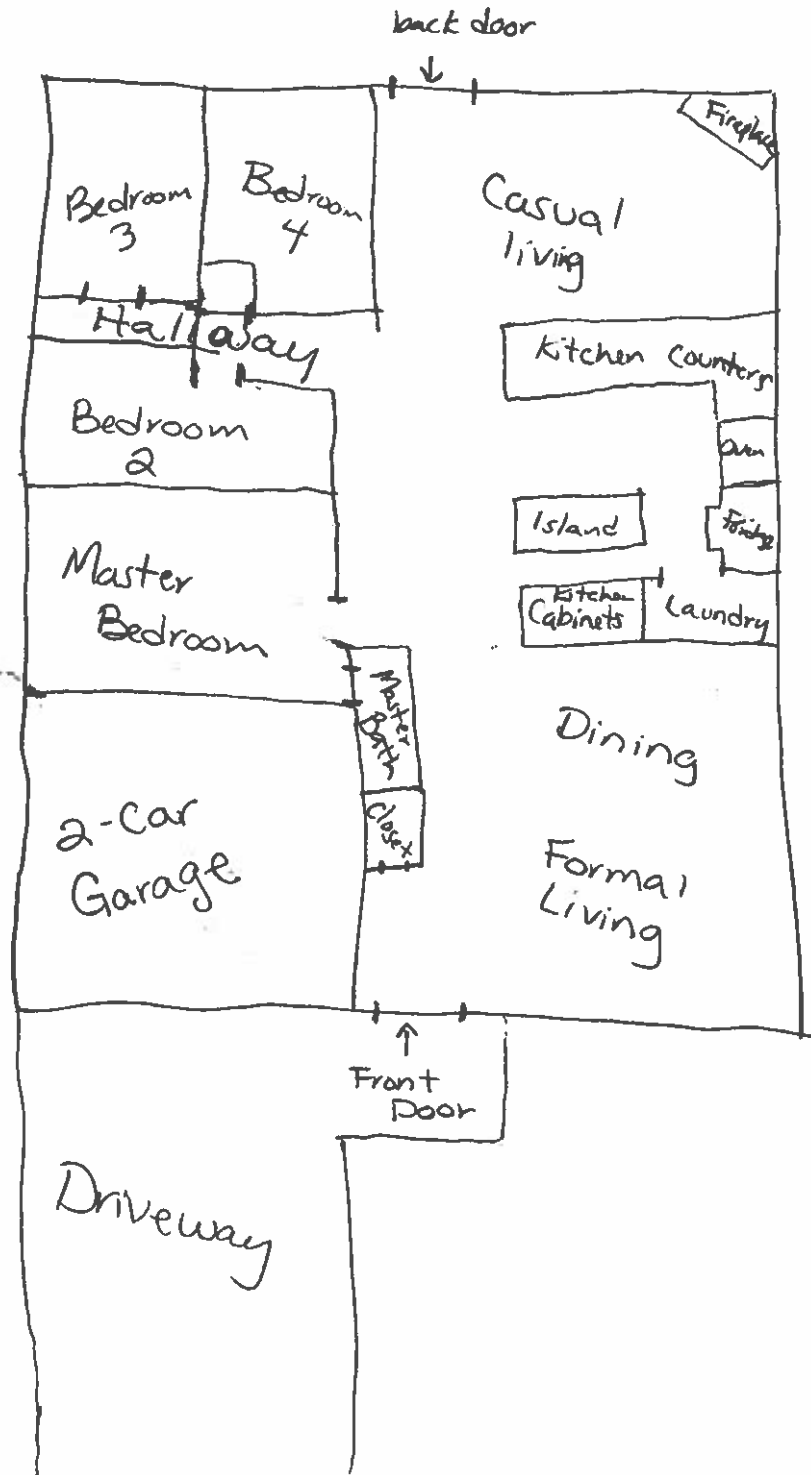


EXHIBIT B - ZONING MAP



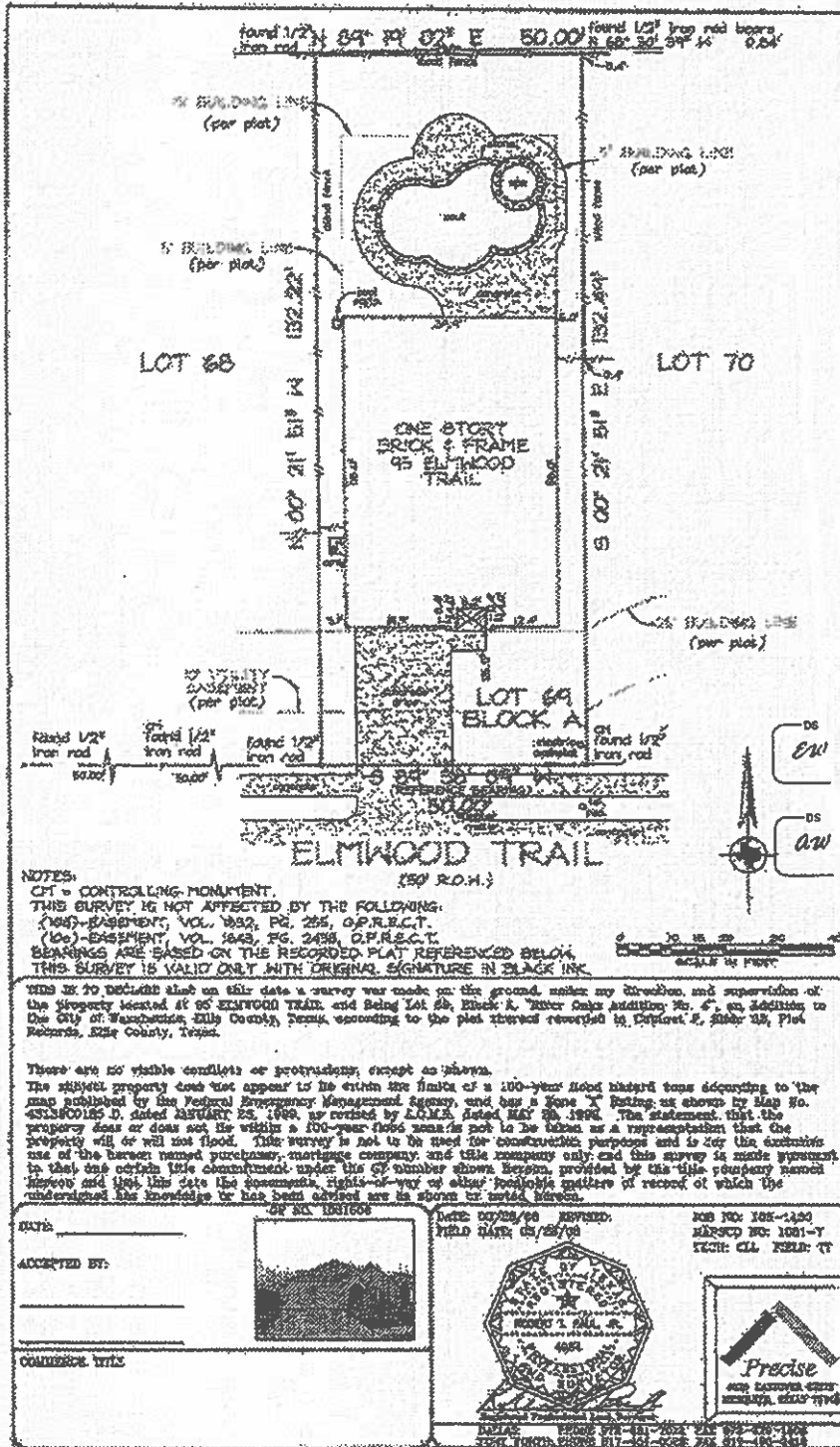
(22)

95 Elmwood Layout



From prior GF Z007116W

DocuSign Envelope ID: BE942B3F-F557-4FB2-B87E-8A4C36ECBC89





From 9:00 PM	To 8:00 AM
-----------------	---------------

Commercial photography and filming allowed



Check-in and checkout times

[Edit](#)

Arrive between 3:00 PM - Flexible
Leave before 10:00 AM

Number of guests

[Edit](#)

9

Additional rules

[Edit](#)

- No parties or a \$2,000 fee will apply
 - No additional guests not listed in the reservation or a fee will apply
 - No smoking in the house or outside with doors open
 - No parking on lawn
 - No loud music past 9PM
 - No pets without pet fee
 - Must follow check-out rules (throw away trash, place use dishes in dishwasher, hand wash any used pots & pans, turn off all lights, lock all doors)
 - No late check-out unless there is written prior arrival past 10AM
- *Breaking any of these rules will result in additional fees applied*

Confirm

Planning & Zoning Department Zoning Staff Report

Case: ZDC-63-2024



MEETING DATE(S)

Planning & Zoning Commission: April 23, 2024
City Council: May 6, 2024

CAPTION

Public Hearing on a request by Dawn Lipsey, North Star Custom Homes LLC, for a **Specific Use Permit (SUP)** for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 511 W Parks Avenue (Property ID 173331) - Owner: North Star Custom Homes LLC (ZDC-63-2024)

RECOMMENDED MOTIONS

- "I move to deny ZDC-63-2024, a Specific Use Permit (SUP) for a Short-Term Rental use."
- "I move to approve ZDC-63-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly."

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting held on April 23, 2024, the Commission voted 7-0 to recommend approval of case number ZDC-63-2024, subject to the conditions of the staff report.

APPLICANT REQUEST

The Applicant requests a specific use permit for a Short-Term Rental use at 511 W Parks Avenue.

CASE INFORMATION

Applicant: Dawn Lipsey, North Star Custom Homes LLC

Property Owner(s): North Star Custom Homes LLC

Site Acreage: 0.223 acres

Current Zoning: Single Family-2 (SF-2)

Requested Zoning: SF-2 with a Specific Use Permit (SUP) for a Short-Term Rental

SUBJECT PROPERTY

General Location: 511 W Parks Avenue

Parcel ID Number(s): 173331

Existing Use: Two (2) single-family residences currently occupy the subject property.

Development History: The subject property is platted as Lot 37A of the Ferris Revision.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	SF-2	First United Methodist Church
East	SF-2	Duplex
South	PD-SF-2	Single Family Residence
West	SF-2	Single Family Residence

Future Land Use Plan:

Mixed Use Neighborhood

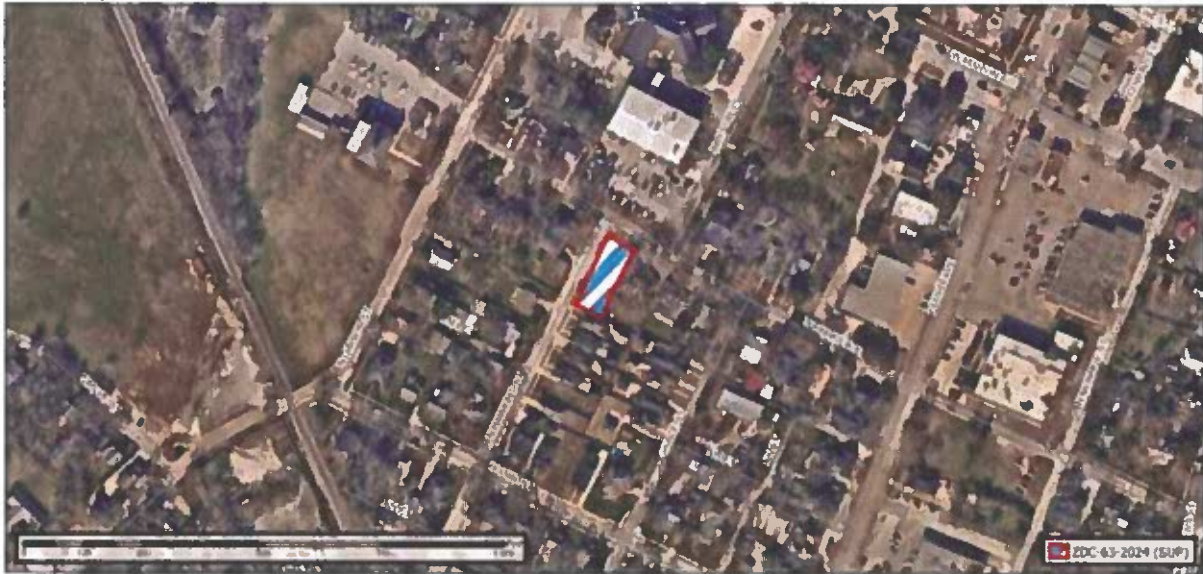
Comprehensive Plan:

A mixed-use neighborhood harkens back to the pre-suburban development pattern with smaller lots, smaller setbacks, shorter blocks, diverse housing typologies and very importantly, a mix of uses. This mixing of activities and uses allows the area to adapt and change over time to suit the needs of its inhabitants. Though it is not imperative for uses to always be mixed within the same building, it is important to note that large monolithic developments with near exclusive uses such as large multiplex apartments or retail centers with large land area being devoted to automobile parking do not suit mixed-use neighborhoods. Mixed-use neighborhoods are places where residents can live, work and play and are primarily accessible by foot. Given the various housing typologies encouraged in this placetype, it is essential to make sure residential uses appropriately transition from one another based on the housing typology.

Thoroughfare Plan:

The driveway for the subject property is accessible via N Hawkins Street.

Site Image:



PLANNING ANALYSIS

During the City Council meeting held on October 16, 2023, Councilmembers approved an ordinance to allow the use of a short-term rental in all zoning districts with an approved SUP with the exception of Central Area (CA) zoning district. All residential-use properties located within the Central Area (CA) zoning district are allowed to operate a short-term rental by right without seeking the approval of a SUP.

The Applicant is requesting a SUP for a short-term rental use located at 511 W Parks Avenue because it is located within an SF-2 zoning district. The subject property consists of a primary structure of approximately 2,678 square feet with three (3) bedrooms and enough improved surface to accommodate the maximum parking spaces of three (3) vehicles situated on an approximately 0.223-acre (9,714 square feet) lot. The applicant has been operating a short-term rental since approximately June of 2022, and has not been paying local hotel occupancy taxes. The applicant has satisfied all of the requirements of Section 3.27 of the Zoning Ordinance. At the time of publishing this staff report, the City has received no complaints regarding any issues considered a nuisance.

During the planning analysis, staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the property's current use in the past 12 months.

The local emergency contact provided by the applicant is Virginia Lipsey (469) 337-4788, 414 N Hawkins Street, Waxahachie, TX 75165 virginia2421@gmail.com, located on the subject property.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 68 notices were mailed to property owners within 500 feet of the as required in Section 3.27 of the City's Zoning Ordinance. In addition, a notice was published in the Waxahachie Sun, and a sign was visibly posted at the property. At the time of the publishing of this staff report, a total of thirteen (13) letters of support and five (5) letters of opposition were received by staff, with eleven (11) letters of support and one (1) letter of opposition being inside the 200' buffer and the remainder outside of the 200' buffer.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents associated with the request, if considering a recommendation for approval:

Conditions:

1. The short-term rental operator shall complete the STR registration process with the City's vendor, and pay the annual and a renewal fee set by Ordinance No. 3415, or as amended.
2. The short-term rental operator shall register for a Hotel Occupancy Tax account with the City's vendor.
3. The short-term rental operator shall allow a maximum occupancy of eight (8) guests per stay.
4. The short-term rental operator shall provide a maximum of four (4) off-street parking spaces.
5. The short-term rental operator shall adhere to all regulations in Section 3.27 of the City's Zoning Ordinance.

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Owner Letter
3. SUP Ordinance
4. Location Map (Exhibit A)
5. Zoning Map (Exhibit B)
6. Floorplan/Site Plan (Exhibit C)
7. Host Rules (Exhibit D)

STAFF CONTACT INFORMATION

Prepared by:

Zack King, AICP
Senior Planner
zking@waxahachie.com

Reviewed by:

Jennifer Pruitt, AICP, LEED-AP, CNU-A
Senior Director of Planning
jennifer.pruitt@waxahachie.com

(23)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-63-2024



COX RON & CATHY
510 ROYAL ST
WAXAHACHIE, TX 75165

RECEIVED APR 17 2024

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Dawn Lipsey, North Star Custom Homes LLC, for a **Specific Use Permit (SUP)** for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 511 W Parks Avenue (Property ID 173331) - Owner: North Star Custom Homes LLC (ZDC-63-2024) Staff: Zack King

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-63-2024

City Reference: 273313

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on April 17, 2024 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

14 NEW SINGLE FAMILY OWNER OCCUPIED ARE
REVITALIZING THE NEIGHBOR HOOD. WE DON'T WANT
STR.

Ron Cox
Signature

Cathy Cox

4/15/2024
Date

RON COX
Printed Name and Title

CATHY COX

510 ROYAL ST.
Address

It is a crime to knowingly submit a false zoning reply form (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

(23)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-63-2024



BINNICKER DUSTIN G
507 Grace St
Waxahachie, TX 75165-3045

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

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You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-63-2024

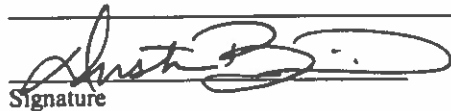
City Reference: 273319

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:


Signature

4-5-2024
Date

Dustin Binnicker
Printed Name and Title

507 Grace St.
Address Waxahachie Tx 75165

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

(23)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-63-2024

LUNDAY SHANE D & ALEXIS A
412 N HAWKINS ST
WAXAHACHIE, TX 75165

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Case Number: ZDC-63-2024

City Reference: 273292

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Alexis Lunday
Signature

4-12-2024
Date

Alexis Lunday
Printed Name and Title

412 N Hawkins St, Waxahachie
Address
TX 75165

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

(23)

Date: 3/19/24

To Whom It May Concern:

As a local resident near 511 W. Parks Ave, Waxahachie, TX 75165, I am in support of my neighbors, Edwin and Dawn Lipsey, using their home as a Short-Term Rental (STR)/Airbnb property while they are away.

Printed Name: Karon Meredith

Address: 505 W. Marvin Ave

City/State/Zip: Waxahachie, Tx. 75165

ASignature: Karon Meredith

First United Methodist Church

(23)

Date: 3-19-24

To Whom It May Concern:

As a local resident near 511 W. Parks Ave, Waxahachie, TX 75165, I am in support of my neighbors, Edwin and Dawn Lipsey, using their home as a Short-Term Rental (STR)/Airbnb property while they are away.

Printed Name: Virginia Batson

Address: 414 N. Hawkins St

City/State/Zip: Waxahachie TX 75165

Signature: Virginia Batson

(23)

Date: 3-19-24

To Whom It May Concern:

As a local resident near 511 W. Parks Ave, Waxahachie, TX 75165, I am in support of my neighbors, Edwin and Dawn Lipsey, using their home as a Short-Term Rental (STR)/Airbnb property while they are away.

Printed Name: Brittany Julian

Address: 407 North Hawkins

City/State/Zip: waxahachie, TX 75165

ASignature: Brittany Julian

(23)

Date: 3-19-24

To Whom It May Concern:

As a local resident near 511 W. Parks Ave, Waxahachie, TX 75165, I am in support of my neighbors, Edwin and Dawn Lipsey, using their home as a Short-Term Rental (STR)/Airbnb property while they are away.

Printed Name: LINDA WEISS

Address: 608 W. PARKS AV.

City/State/Zip: WAXA. TX 75165

ASignature: Linda S. Weiss

(23)

Date: March 19, 2024

To Whom It May Concern:

As a local resident near 511 W. Parks Ave, Waxahachie, TX 75165, I am in support of my neighbors, Edwin and Dawn Lipsey, using their home as a Short-Term Rental (STR)/Airbnb property while they are away.

Printed Name: Shirley Skipper

Address: 507^{1/2} W. Parks Ave

City/State/Zip: Waxahachie TX 75165

Signature: SHIRLEY SKIPPER

Date: 3/19/24

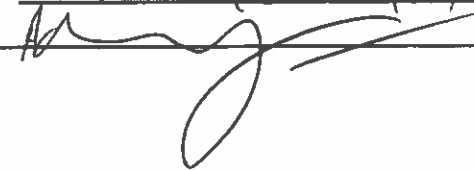
To Whom It May Concern:

As a local resident near 511 W. Parks Ave, Waxahachie, TX 75165, I am in support of my neighbors, Edwin and Dawn Lipsey, using their home as a Short-Term Rental (STR)/Airbnb property while they are away.

Printed Name: Adam Juarez

Address: 601 W Parks Ave

City/State/Zip: Waxahachie TX, 75165

Signature: 

(23)

Date: 19 Mar 24

To Whom It May Concern:

As a local resident near 511 W. Parks Ave, Waxahachie, TX 75165, I am in support of my neighbors, Edwin and Dawn Lipsey, using their home as a Short-Term Rental (STR)/Airbnb property while they are away.

Printed Name: William L Brown

Address: 503 W. Parks Ave

City/State/Zip: Waxahachie, TX 75165

ASignature: 

(23)

Date: 3-19-24

To Whom It May Concern:

As a local resident near 511 W. Parks Ave, Waxahachie, TX 75165, I am in support of my neighbors, Edwin and Dawn Lipsey, using their home as a Short-Term Rental (STR)/Airbnb property while they are away.

Printed Name: Lorinda Yates (Colonial Restoration)

Address: PO Box 2868

City/State/Zip: Waxahachie, TX. 75168

ASignature: L. Yates

Vacant lot on N. Hawkins

(23)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-63-2024



COLONIAL RESTORATION GROUP INC
PO BOX 2868
WAXAHACHIE, TX 75168-8868

RECEIVED APR 17 2024

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

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Case Number: ZDC-63-2024

City Reference: 273296

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SUPPORT

OPPOSE

Comments:

In support, because of the lack of quality hotels
in our community and to support tourism.



Signature

Brad Yates, Owner

Printed Name and Title

4-9-2024

Date

404 N. Hawkins Street

Address

Waxahachie, TX 75165

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

(23)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-63-2024

COLONIAL RESTORATION GROUP INC
PO BOX 2868
WAXAHACHIE, TX 75168-8868

RECEIVED APR 17 2024

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Case Number: ZDC-63-2024

City Reference: 273315

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SUPPORT

OPPOSE

Comments:

In support because of the lack of quality hotels in our community and we want to support tourism.

[Signature]
Signature

4-9-2024
Date

Brad Yates, Owner
Printed Name and Title

506 Royal Street
Address

Waxahachie, TX 75165

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(23)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-63-2024



LOREN GRAY INVESTMENTS LLC
PO BOX 2868
WAXAHACHIE, TX 75168-8868

RECEIVED APR 17 2024

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You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-63-2024

City Reference: 173342

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SUPPORT

OPPOSE

Comments:

In support because of the lack of quality hotels
in our community and we want to support tourism.

Signature

4-9-2024
Date

Brad Yates, Owner
Printed Name and Title

408 N. Gibson
Address
Waxahachie, TX 75165

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(23)

Date: 3/19/24

To Whom It May Concern:

As a local resident near 511 W. Parks Ave, Waxahachie, TX 75165, I am in support of my neighbors, Edwin and Dawn Lipsey, using their home as a Short-Term Rental (STR)/Airbnb property while they are away.

Printed Name: Shane Lunday

Address: 412 N Hawkins St

City/State/Zip: Waxahachie TX 75165

Signature: 

(23)

Date: 3/18/2024

To Whom It May Concern:

As a local resident near 511 W. Parks Ave, Waxahachie, TX 75165, I am in support of my neighbors, Edwin and Dawn Lipsey, using their home as a Short-Term Rental (STR)/Airbnb property while they are away.

Printed Name: Teirra Criswell

Address: 409 N Hawkins St

City/State/Zip: Waxahachie, TX

Signature: 

Date: 3/19/24

To Whom It May Concern:

As a local resident near 511 W. Parks Ave, Waxahachie, TX 75165, I am in support of my neighbors, Edwin and Dawn Lipsey, using their home as a Short-Term Rental (STR)/Airbnb property while they are away.

Printed Name: DAVID RICKETS

Address: 410 N. HAWKINS

City/State/Zip: WAXAHACHIE, TX 75165

Signature: 

(23)

Venissat, Michelle

From: waxaone@aol.com
Sent: Wednesday, April 17, 2024 4:26 PM
To: Planning
Subject: CASE NUMBER: ZDC-63-2025

Dear Planning & Zoning Commission,

My name is Elizabeth Getzendaner Cunliffe, and I own properties at 411 West Marvin and 415 West Marvin and half of 104 Bryson Street. All properties are within the neighborhood of 511 West Parks Avenue. I am writing to you today to voice my opposition to the Special Use Permit being filed by Dawn Lipsey, North Star Custom Homes, LLC.

I oppose this SUP for several reasons: This is a residential neighborhood, and we are already being encroached upon by the businesses on Ferris Avenue. Short term Rental use is a business and as such would not be in fitting with our neighborhood. Ferris Avenue is a mess, and I certainly don't want any more business in my immediate back yard. North Star Custom Homes is not even a Waxahachie business.... they are from Waco. Let them buy property for short term rentals in Waco.

The Methodist Church is also in the neighborhood, and they have Mother's Day Out twice a week. I hardly think a short-term rental property is appropriate so close to the church and all the children that attend the program. The last thing I would want is a short-term rental right in their back yard with strangers coming and going all the time. It isn't safe and it isn't in keeping with our residential neighborhood.

I would respectfully ask that you not grant this Special Use Permit.

**Sincerely,
Elizabeth G. Cunliffe**

(24)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED 511 W PARKS AVENUE, BEING PROPERTY ID 173331, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 37A OF THE FERRIS REVISION ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

WHEREAS, the City Council of the City of Waxahachie having heretofore adopted a zoning ordinance and map showing the classification of the various property located within the city limits of said City; and

WHEREAS, the described property is classified in said ordinance and any amendments thereto as SF-2; and

WHEREAS, a proper application for a SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-63-2024. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

WHEREAS, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and,

WHEREAS, a proper hearing was held as required by law and the Council having heard all arguments for and against said SUP;

NOW, THEREFORE, this property is rezoned from SF-2 to SF-2, with a SUP in order to permit a Short-Term Rental use on the following property: Lot 37A of the Ferris Revision Addition, which is shown on Exhibit A, in accordance with the Zoning Map attached as Exhibit B, the Floor Plan/Site Plan attached as Exhibit C, and the Host Rules attached as Exhibit D.

SPECIFIC USE PERMIT

Purpose and Intent

The purpose of this ordinance is to provide the appropriate restrictions and development controls that ensure this Specific Use Permit is compatible with the surrounding development and zoning and to also ensure that the development complies with the City's Comprehensive Plan and the Zoning Ordinance.

(24)

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A SHORT-TERM RENTAL USE IN A SINGLE-FAMILY-2 (SF-2) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The subject property shall conform to the site plan approved by the City Council under case number ZDC-63-2024.
2. Development on the subject property shall adhere to the following exhibits approved by the City Council: Exhibit A - Location Map, Exhibit B – Zoning Map, Exhibit C – Floor Plan/Site Plan, and Exhibit D – Host Rules.
3. The Applicant and/or STR Operator for the subject property shall be responsible for obtaining registration per the City's applicable rules and regulations governing such permits.
4. The Applicant and/or STR Operator for the subject property shall be responsible to pay hotel occupancy taxes as required per Section 3.27.e.7 of the City of Waxahachie Zoning Ordinance.
5. The subject property shall comply with the City of Waxahachie Municipal Code and Zoning Ordinance when any zoning, land use requirement, or restriction is not addressed or disclosed in Exhibits C and D.
6. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
7. City Council shall have the right to review the Specific Use Permit at any point, necessary.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate, a new Specific Use Permit shall be required to reestablish the use.
3. This Specific Use Permit shall run with the owner and therefore shall not be transferred from owner to owner.
4. The owner and/or short-term rental operator shall renew registration on an annual basis of the amount in the Fee Schedule set forth by Ordinance 3415, or as amended.
5. The owner/short-term rental operator is subject to a maximum occupancy of eight (8) guests per stay.
6. The short-term rental operator is subject to provide a maximum of four (4) off-street parking spaces.
7. The short-term rental operator must adhere to all regulations stated in Section 3.27 of the City's Zoning Ordinance.

(24)

8. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

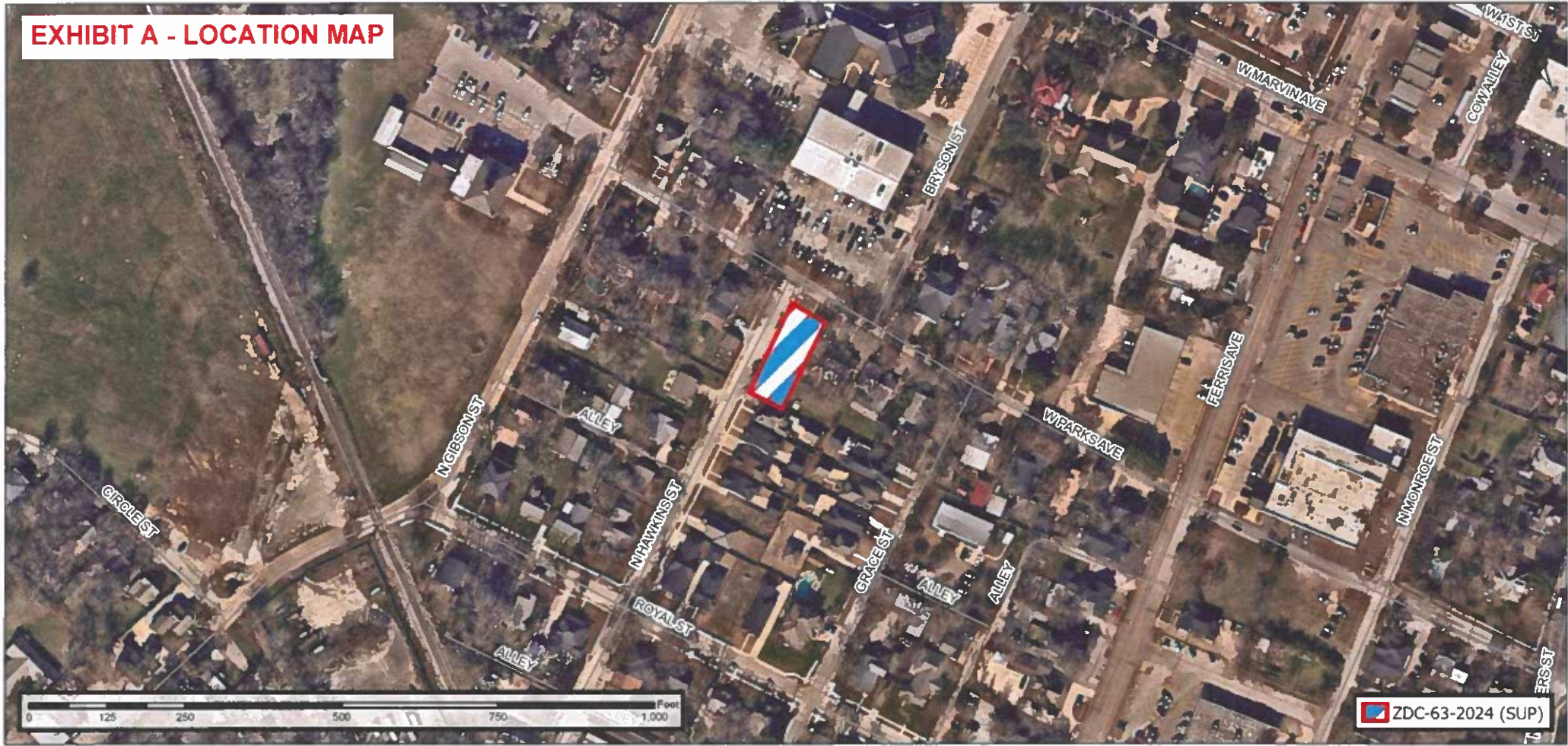
PASSED, APPROVED AND ADOPTED on this 6th day of May, 2024.

MAYOR

ATTEST:

City Secretary

EXHIBIT A - LOCATION MAP



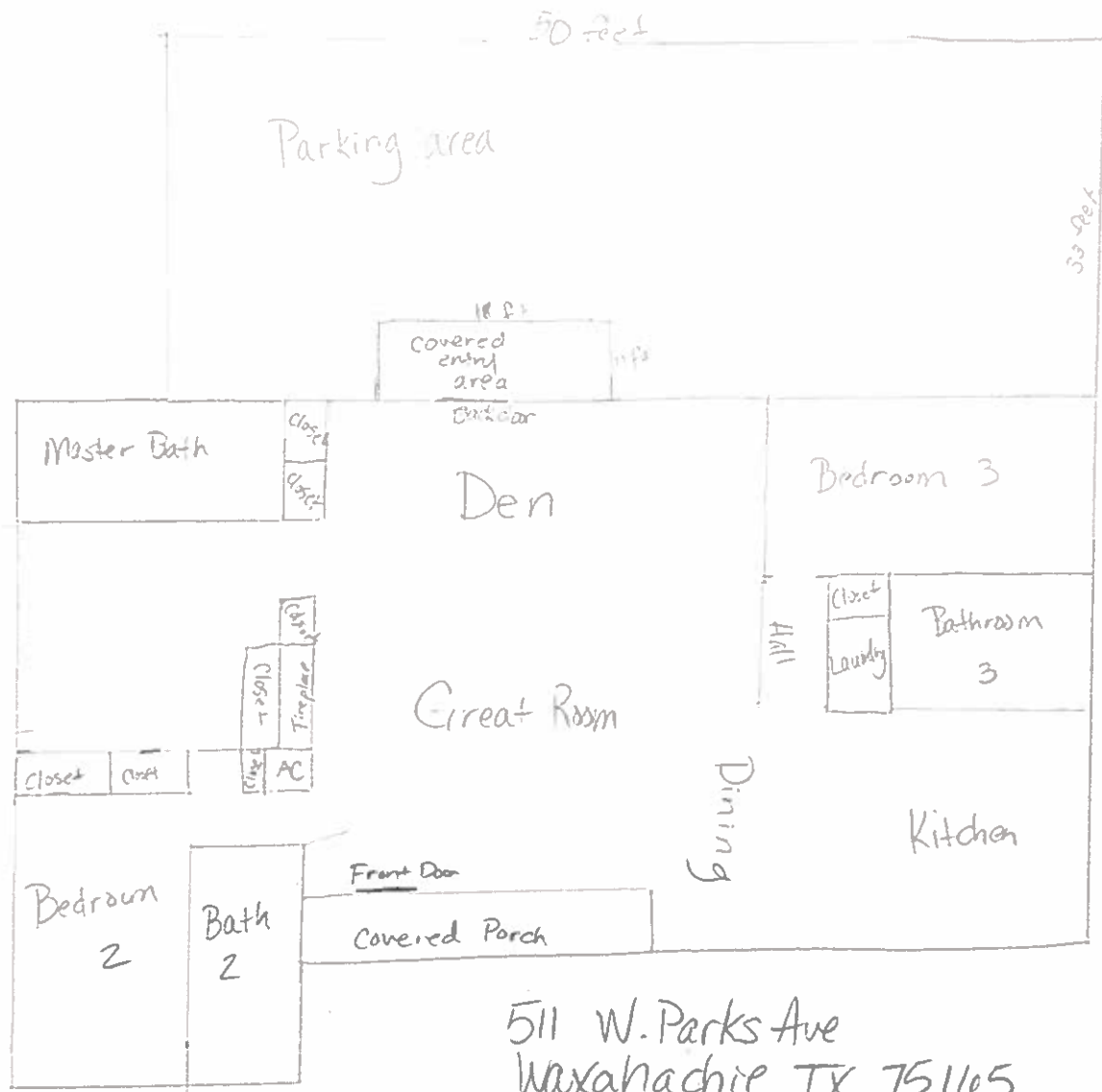
(me)

EXHIBIT B - ZONING MAP



(h2)

EXHIBIT C - FLOOR PLAN/SITE PLAN



511 W. Parks Ave
Waxahachie, TX 75165

N. Hawkins Street

West Parks Avenue

(h2)



HELPFUL NUMBERS

D. Lipsey, owner

(Main communication through Airbnb app.)
(972) 268-0154

V. Lipsey, local emergency contact

(ONLY if owner cannot be reached)
(469) 337-4788

Waxahachie Police

(Non-emergency line): (469) 309-4400
In case of an emergency, dial 911

Waxahachie Fire Department

(469) 309-4200

Ambulance Service

(972) 923-1626

Hospital

Baylor Scott & White Medical Center
(469) 843-4000
2400 N I-35E, Waxahachie, TX 75165

Local Emergency/Weather:

Ellis County Emergency Management:
(972) 825-5199/Facebook

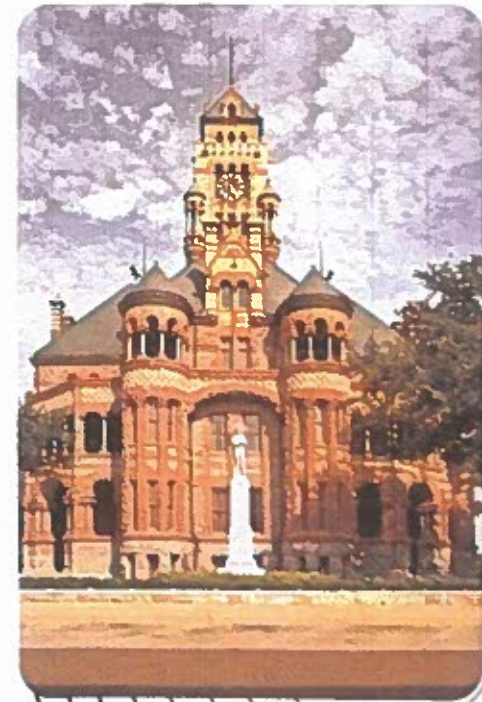


RESTRICTIONS

- NO ANIMALS ALLOWED. \$750 cleaning fee will be assessed. Thank you for helping us keep our home smelling fresh and clean for our family and other guests.
- Loud noise and amplified sound are not permitted. Please be kind and respect our great neighbors.
- The City of Waxahachie prohibits the use of this short-term rental premise for the purpose of having a party, social, or entertainment venue.
- No illegal activity as deemed by a governmental entity is permitted on this property.

Welcome!

*We're glad
you're here!*



(h)



THINGS TO KNOW

- Entry doors unlock & relock with a unique 4-digit code sent to you.
- Cameras are installed outside the house with video monitoring.
- Wifi network: Getaway
Wifi password: Relaxtime
- Cable TV is available on each TV using the Spectrum app.
- The kitchen trashcan is in the pullout drawer on the kitchen island.
- Put all trash in a sealed trash bag and put it in a Polycarp (green bin) outside the back door. City picks up on Mondays. Neighbor will pull bin to curb Sunday night.
- Sound machines, oscillating fans, & small heaters are available in each room.
- A fire extinguisher is located on the kitchen wall.
- Maximum occupancy: 8
- Total vehicles permitted in rear parking: 3
(No parking in street.)



ADDRESS

511 W. Parks Ave
Waxahachie, TX 75165



CHECK OUT

- PLEASE CHECK ALL DRAWERS AND CLOSETS FOR YOUR ITEMS. Items left behind will be donated to a local store.
- Log out of all apps on smart TVs.
- Remove sheets & pillowcases from the bed and put them and all dirty towels in laundry bins located in each closet. Place laundry bins in the hallway of the washer/dryer.
- Dispose of all food items in the refrigerator and freezer.
- Put all dirty dishes in the dishwasher and turn it on.
- Put all bathroom and kitchen trash in sealed trash bags and place them in large green bins outside the back door in the parking area. Our neighbor will help pull the bin to the curb on Sunday night, and the City will pick it up on Monday.
- Turn the Roomba vacuum on.
- When leaving, set the thermostat to 75 degrees (when using AC) or 70 degrees (when using heat).
- Sign the guest book.
- Use the four-digit code to lock the door as you leave.
- Have a great trip home and come back soon!

(hr)

Planning & Zoning Department Zoning Staff Report

Case: ZDC-58-2024



MEETING DATE(S)

Planning & Zoning Commission: April 23, 2024
City Council: May 6, 2024

CAPTION

Public Hearing on a request by Kelley Cruzan, for a **Zoning Change** from a Single-Family-2 (SF-2) zoning district to **Planned Development-Single Family-2 (PD-SF-2)** zoning district, located at 106 McClain Street, (Property ID 170768) - Owner: Thomas Jordan (ZDC-58-2024)

RECOMMENDED MOTIONS

- "I move to deny ZDC-58-2024, a Zoning Change request from a Single-Family-2 zoning district to a Planned Development-Single-Family-2 zoning district."
- "I move to approve ZDC-58-2024, a Zoning Change request from a Single-Family-2 zoning district to a Planned Development-Single-Family-2 zoning district, subject to the conditions the staff report."

ACTION SINCE INICIAL STAFF REPORT

At the Planning & Zoning Commission meeting held on April 23, 2024, the Commission voted 5-2 to recommend denial of case number ZDC-58-2024, subject to the conditions of the staff report.

Due to the recommendation for denial by the Planning & Zoning Commission, a favorable vote of three-fourths (3/4) of all members, which equates to four (4) of the five (5) members, of the City Council shall be required to approve the proposed zoning change.

APPLICANT REQUEST

The applicant requests to rezone the subject property from a Single Family-2 district to a Planned Development-Single-Family-2 zoning district to allow for a home 800 square feet in size.

CASE INFORMATION

Applicant: Kelley Cruzan

Property Owner(s): Thomas Jordan

Site Acreage: 0.180 acres

Current Zoning: Single Family-2 (SF-2)

Requested Zoning: Planned Development-Single-Family-2 (PD-SF-2)

SUBJECT PROPERTY

General Location: 106 McClain Street

Parcel ID Number(s): 170768

Existing Use: Undeveloped

Development History:

The property is platted as Lot 2, Block 42B of the Town Addition.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	Single Family-1 (SF-2)	Single Family Residence
East	Single Family-1 (SF-2)	Single Family Residence
South	Single Family-1 (SF-2)	Single Family Residence
West	Single Family-1 (SF-1)	Single Family Residence

Future Land Use Plan:

Downtown

Comprehensive Plan:

It is most appropriate to think of the Downtown placetype as a modification of the mixed-use neighborhood placetype. Waxahachie benefits from an attractive historic core and this placetype serves to preserve and allow for incremental improvement of that area. The core of Downtown is ripe for quality vertical mixed-use development. New single-family homes are generally discouraged here as denser housing types are desired in downtown to provide more patrons to support the abundance of local businesses downtown. Attached and stacked housing is appropriate, since the downtown core is predominantly developed, denser housing will most likely occur on the fringes or edges of downtown. Active rooftops, sidewalk cafes, and parklets are an opportunity to further activate the downtown core.

Thoroughfare Plan:

The subject property is accessible via McClain Street.

Site Image:



PLANNING ANALYSIS

The applicant proposes to rezone the subject property from a Single Family-2 district to a Planned Development-Single-Family-2 zoning district to allow for a home 800 square feet in size.

Planning Analysis (continued):

The subject property is situated within the Infill Overlay District, which establishes development standards that supersede the base Single-Family-2 zoning district on the subject property. The Infill Overlay District was established to facilitate residential development of vacant lots in the core of Waxahachie that present challenges for traditional development due to their size and shape. The Infill Overlay District allows for lot size, lot dimension, setback, home size, and parking requirements that are based on existing development within 50' of the property in question.

In regards to 106 McClain Street, the Infill Overlay District requires a minimum home size of approximately 2,000 square feet. With this Planned Development request, the applicant proposes to reduce the minimum home size requirement to 800 square feet to allow for a two-bedroom, one-bathroom home. Additionally, the applicant proposes a modification to the parking requirement for 106 McClain Street to allow for a gravel driveway as opposed to a concrete driveway. No other deviation from the typical requirements of Single Family-2 zoning district or Infill Overlay District is proposed.

During the planning analysis, staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the subject property in the past 12 months.

PROPOSED PD DEVELOPMENT STANDARDS

The following table identifies typical development standard required in the Infill Overlay District in comparison to the proposed development standards for this PD. **Items highlighted in bold indicate a deviation from the Infill Overlay District requirements.*

<u>Standard</u>	<u>Infill Overlay District</u>	<u>Proposed PD</u>
Maximum Height	2 stories	2 stories
Minimum Dwelling Size	90% of homes within 50' (approximately 2,000 SF)	800 SF
Minimum Front Yard Setback	Within 5' of adjacent homes	Within 5' of adjacent homes
Minimum Side Yard Setback	10% of Lot Width	10% of Lot Width
Parking Regulations	Minimum of 2 concrete parking spaces behind the front plane of the home.	Minimum of 2 gravel parking spaces behind the front plane of the home.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 28 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PUBLIC NOTIFICATION RESPONSES

Staff has received one (1) letter of support and nine (9) letters of opposition for the proposed zoning change. One (1) letter of support and five (5) letters of opposition were provided for properties within the 200' notification buffer.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, if considering a recommendation for approval:

Conditions:

1. All development within the subject property will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.

ATTACHED EXHIBITS

1. Public Notification Responses
2. Planned Development (PD) Ordinance
3. Location Map (Exhibit A)
4. Development Standards (Exhibit B)
5. Site Plan (Exhibit C)
6. Foundation & Floor Plan (Exhibit D)

APPLICANT REQUIREMENTS

1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.
2. Once the revised plans are provided, staff will verify all outstanding comments were satisfied.
 - a. If comments were not satisfied, then the applicant will be notified to make corrections.
 - b. If all comments were satisfied, staff will proceed to file the approved PD Ordinance.

STAFF CONTACT INFORMATION

Prepared by:

Zack King, AICP
Senior Planner
zking@waxahachie.com

Reviewed by:

Jennifer Pruitt, AICP, LEED-AP, CNU-A
Senior Director of Planning
jennifer.pruitt@waxahachie.com

(25)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-58-2024

Oppose

EVANS JEFF
121 MCCLAIN ST
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Kelley Cruzan, for a **Zoning Change** from a Single-Family-2 (SF-2) zoning district to **Planned Development-Single Family-2 (PD-SF-2)** zoning district, located at 106 McClain Street, (Property ID 170768) - Owner: Thomas Jordan (ZDC-58-2024) Staff: Zack King

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-58-2024

City Reference: 176538

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

~~Support~~ This will decrease the value of everyone's house on this street. Please do not allow this to happen we all work to hard for our houses.

[Signature]
Signature

Jeff Evans
Printed Name and Title

4-9-2024
Date

121 McClain street
Address

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

(25)

Venissat, Michelle

From: Jeff Evans <jeffevanssafetytrainer@yahoo.com>
Sent: Friday, April 19, 2024 11:57 AM
To: Planning
Cc: TERRA GARZA; Timothy Piner; lorriann1963@gmail.com; Alpha -Kenneth; rosegolf11@gmail.com; paulalizarraga@yahoo.com; Letty Carolina; James Anadon; Cindy Hodges
Subject: Re-zoning of McClain Street

My name is Jeff Evans, I reside at 121 McClain street.

I am against the zoning proposal case number: ZDC-58-2024.

Each home owner on our little street has worked hard to obtain, improve, and maintain the value we have in our homes.

We have been happy to see the small improvement of paving that the city accomplished this last year for our street.

To allow a "tiny home" to be moved into our neighbor hood would be a slap in the face to all of those who have put in time and labor not to mention money in the ownership of our homes. We are already having to struggle with the two homes that have been condemned but not yet removed. We also have to deal with the people who frequent these abandoned houses.

The person who wants to move this "tiny home" into the neighborhood has had a very bad record of being aggressive with anyone who comes near his property. Past and present neighbors to the lot on 106 McClain have expressed how he has threatened violence over them simply mowing too close to his lot. If this proposal passes I am concerned we will see more "tiny homes" added to our neighborhood causing home values to decrease greatly.

I ask you please to not allow this pleasant neighbor hood to be changed. I will be attending the meeting on Tuesday, April 23rd, 2024.

God has blessed you, Now Go! Be a blessing to God!

Jeff Evans

(25)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-58-2024
◇◇◇

LAFLOWER HUNTER
110 McClain St
Waxahachie, TX 75165-3322

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Kelley Cruzan, for a **Zoning Change** from a Single-Family-2 (SF-2) zoning district to **Planned Development-Single Family-2 (PD-SF-2)** zoning district, located at 106 McClain Street, (Property ID 170768) - Owner: Thomas Jordan (ZDC-58-2024) Staff: Zack King

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-58-2024

City Reference: 170769

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on April 17, 2024 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Mr. Jordan has made verbal threats to both myself and my girlfriend saying that he will shoot us if he ever sees us too close to his property.


Signature

4/7/24
Date

Hunter LaFlower
Printed Name and Title

110 McClain St Waxahachie, Tx
Address 75165

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response please contact the City for a blank form.

(25)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-58-2024

MORENO CAROLYN
400 OLDHAM ST
WAXAHACHIE, TX 75165-3334

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Kelley Cruzan, for a Zoning Change from a Single-Family-2 (SF-2) zoning district to Planned Development-Single Family-2 (PD-SF-2) zoning district, located at 106 McClain Street, (Property ID 170768) - Owner: Thomas Jordan (ZDC-58-2024) Staff: Zack King

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-58-2024

City Reference: 170802

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

Comments:

SUPPORT

OPPOSE

Carolyn moreno
Signature

4/15/24
Date

Carolyn moreno
Printed Name and Title

400 Oldham St
Address

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

(25)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-58-2024



CARRANZA ROSELIA
117 McClain St
Waxahachie, TX 75165-3321

RECEIVED APR 17 2024

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Kelley Cruzan, for a **Zoning Change** from a Single-Family-2 (SF-2) zoning district to **Planned Development-Single Family-2 (PD-SF-2)** zoning district, located at 106 McClain Street, (Property ID 170768) - Owner: Thomas Jordan (ZDC-58-2024) Staff: Zack King

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-58-2024

City Reference: 176539

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on April 17, 2024 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Roselia Carranza
Signature

Roselia Carranza
Printed Name and Title

04-15-24
Date

117 McClain Street
Address
Waxahachie, TX
75165

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-58-2024

POGUE LORRIE
114 PARK PLACE CT STE 200
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 23, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 6, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Kelley Cruzan, for a **Zoning Change** from a Single-Family-2 (SF-2) zoning district to **Planned Development-Single Family-2 (PD-SF-2)** zoning district, located at 106 McClain Street, (Property ID 170768) - Owner: Thomas Jordan (ZDC-58-2024) Staff: Zack King

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-58-2024

City Reference: 176537

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *April 17, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

I'm not in favor of allowing a tiny house in this neighborhood. It will greatly decrease our property values & open the door for more of the kind. It won't match the homes already in the neighborhood.

Signature

Lorrie Ann Pogue

Printed Name and Title

Date

4/17/24

123 McClain Street

Address

It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

(25)

Venissat, Michelle

From: Jeff Evans <jeffevanssafetytrainer@yahoo.com>
Sent: Friday, April 19, 2024 11:29 AM
To: Planning
Cc: TERRA GARZA; Letty Carolina; James Anadon
Subject: Fw: Re-Zoning McClain St Concerns

Please find attached the forwarded email.

Thank you,

God has blessed you, Now Go! Be a blessing to God!

Jeff Evans

----- Forwarded Message -----

From: Letty Carolina <lettycarolina2@gmail.com>
To: "jeffevanssafetytrainer@yahoo.com" <jeffevanssafetytrainer@yahoo.com>
Sent: Thursday, April 18, 2024 at 09:34:48 PM CDT
Subject: Re-Zoning McClain St Concerns

Hello,

My husband and I reside in 109 McClain St. We moved in Dec of 2021 in hopes of starting a new chapter with our growing family. We immediately connected with our neighbors and love the area. When we were initially purchasing property, we knew we were seeking a family oriented, value driven community. We found that in Waxahachie, but our little street made it even more real and tangible. Our neighbors are intentional and we all take pride in maintaining our properties and watching out for one another.

When we heard the news that Charles would be residing on the street in a tiny home, we had some concerns over safety and property value. Both of which are what drew us into purchasing on this street to begin with. We understand he has had previous aggressive encounters with folks on the street. With our young children's safety in mind (both under 4 years old), we believe we should communicate this concern.

We understand that Charles has a right to his property, but we are not interested in additional tiny homes to take place on our street. This would simply decrease the value of our homes.

Being so close to prime attractions and the square in Waxahachie, we take pride in maintaining our street. We simply want our street to be well taken cared of and to improve, especially when all our neighbors and I have worked hard to do so.

Letty and James Anadon

(25)

Venissat, Michelle

From: Jeff Evans <jeffevanssafetytrainer@yahoo.com>
Sent: Friday, April 19, 2024 11:31 AM
To: Planning
Cc: TERRA GARZA; paulalizarraga@yahoo.com; Timothy Piner
Subject: Fw: ZDC-58-2024

Please find attached the forwarded email.

Thank you,

God has blessed you, Now Go! Be a blessing to God!

Jeff Evans

----- Forwarded Message -----

From: paulalizarraga <paulalizarraga@yahoo.com>
To: "jeffevanssafetytrainer@yahoo.com" <jeffevanssafetytrainer@yahoo.com>
Sent: Thursday, April 18, 2024 at 07:18:57 PM CDT
Subject: ZDC-58-2024

Dear Sir,

My name is Paula Calderon Lizarraga, I am the owner of two properties that are directly affected by the case referenced above. I am writing to inform you of my opposition to the re-zoning proposal within my residential community. My properties lie within 200 feet of the above referenced case.

I am against the re-zoning of 106 McClain Street. Please feel free to reach me for any questions.

Respectfully,

Paula C. Lizarraga
Cell: 972-351-4276

[Sent from Yahoo Mail for iPhone](#)

(25)

Venissat, Michelle

From: Timothy Piner <timothy.piner@gmail.com>
Sent: Friday, April 19, 2024 12:56 PM
To: Venissat, Michelle
Subject: ZDC-58-2024

My name is Timothy Piner, I reside/own 120 McClain St, Waxahachie, TX 75165.

The proposed zoning change (mentioned above) will cause the value of my property to reduce, which the county will not recognize. Therefore I am against the the zoning change on McClain St.

Concerned Citizen
Timothy Piner
469-446-3233

(25)

Venissat, Michelle

From: Roselia Carranza <rosegolf11@gmail.com>
Sent: Friday, April 19, 2024 7:34 PM
To: Venissat, Michelle
Subject: Re-zoning of McClain Street

To whom it may concern:

My name is Roselia Carranza and I live at 117 McClain St, Waxahachie, TX.

**** I am against the zoning proposal case number: ZDC-58-2024.****

The purpose of this email is to express my concerns of having a "tiny" home placed in my neighborhood. I've been in my home for almost 5 years now and just this last year we had improvements to our street, but we have yet to see anything else. Although, it may not matter to the city this whole situation matters to me and my neighbors. My question to the city is why was our neighborhood chosen for placement of this "tiny" home? How are decisions made when choosing a neighborhood? Are they made based on the location, the surroundings, the reputation? Again, this may not effect anyone involved with the city council, but it will greatly effect all those who live on McClain street. It is unfair that the value of my home will deplete, and an injustice especially when I invested the amount of money I have when I first secured/purchased my home and will obviously continue to invest my hard earned money to maintain its value.

My other concern is the individual who wants to move this "tiny home" into the neighborhood. This person has had instances of being aggressive with anyone who comes near his property. We have had past neighbors who felt very threatened by this individual and moved away and now current neighbors who have also been verbally threatened with violence over them simply mowing too close to his lot. It has been witnessed and heard this individual being verbally aggressive threatening with violence should anyone step foot onto his property. Why place a tiny home in a neighborhood where people do not feel safe because of this individuals reputation. If this proposal passes I am to concerned that we will continue to see more "tiny homes" added to our neighborhood causing home values to decrease greatly with no concerns or care of the people who pay taxes.

I ask for the city to reconsider placing this "tiny" home in our neighborhood. I will be attending the meeting on Tuesday, April 23rd, 2024.

Thank you,
Roselia Carranza

(24)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-2 (SF-1) TO PLANNED DEVELOPMENT-SINGLE FAMILY-2 (PD-SF-2) LOCATED 106 MCCLAIN STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.18 ACRES KNOWN AS LOT 2, BLOCK 42B OF THE TOWN ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

WHEREAS, the City Council of the City of Waxahachie having heretofore adopted a zoning ordinance and map showing the classification of the various property located within the city limits of said City; and

WHEREAS, a proper application for a Zoning Change has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-58-2024. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change denial of the subject property from SF-2 to PD-SF-2; and

WHEREAS, proper notification has been published for the time and in the manner as prescribed by the city ordinance of the City of Waxahachie for a public hearing thereon; and

WHEREAS, a proper hearing was held as required by law and the Council having heard all arguments for and against said zoning amendment;

NOW, THEREFORE, this property is rezoned from SF-2 to PD-SF-2 in order to facilitate development of the subject property in a manner that allows an 800 square foot home on the following property: 106 McClain Street, Lot 2, Block 42B of the Town Addition, which is shown on Exhibit A, in accordance with the Development Standards attached as Exhibit B, the Site Plan attached as Exhibit C, and the Foundation & Floor Plan attached as Exhibit D.

PLANNED DEVELOPMENT

Purpose and Intent

The purpose of this planned development is to create a multi-family residential townhome development, and to establish appropriate restrictions and development controls necessary to ensure predictable land development, safe and efficient vehicular and pedestrian circulation, compatible uses of land and compliance with appropriate design standards.

Development Standards

All development on land located within the boundaries of this Planned Development District shall adhere to the rules and regulations set forth in this ordinance. The locations of buildings, exterior construction materials, driveways, parking areas, amenity areas, sidewalks, fencing, landscaping, and other common areas shall substantially conform to the locations shown on the approved Site Plan (Exhibit C) and Foundation & Floor Plan (Exhibit D).

Development Regulations

1. The development shall conform as approved by the City Council under case number ZDC-58-2024.
2. The development shall adhere to the City Council approved Exhibit A – Location Map, Exhibit B – Development Standards, Exhibit C – Site Plan, and Exhibit D – Foundation & Floor Plan.
3. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance shall conform to those requirements and/or standards prescribed in Exhibit A – Location Map, Exhibit B – Development Standards, Exhibit C – Site Plan, and Exhibit D – Foundation & Floor Plan. Where regulations are not specified in Exhibits A, B, C, and D, or in this Ordinance, the regulations of the City of Waxahachie Zoning Ordinance shall apply to this development.
4. The Developer and Owner for the subject property shall be responsible for obtaining building permits per the City’s applicable rules and regulations governing such permits.
5. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

An emergency is declared to exist in that needed and approved improvements will be unnecessarily delayed if this ordinance is not effective upon passage and this ordinance is to be effective upon passage.

The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

PASSED, APPROVED AND ADOPTED on this 6th day of May, 2024.

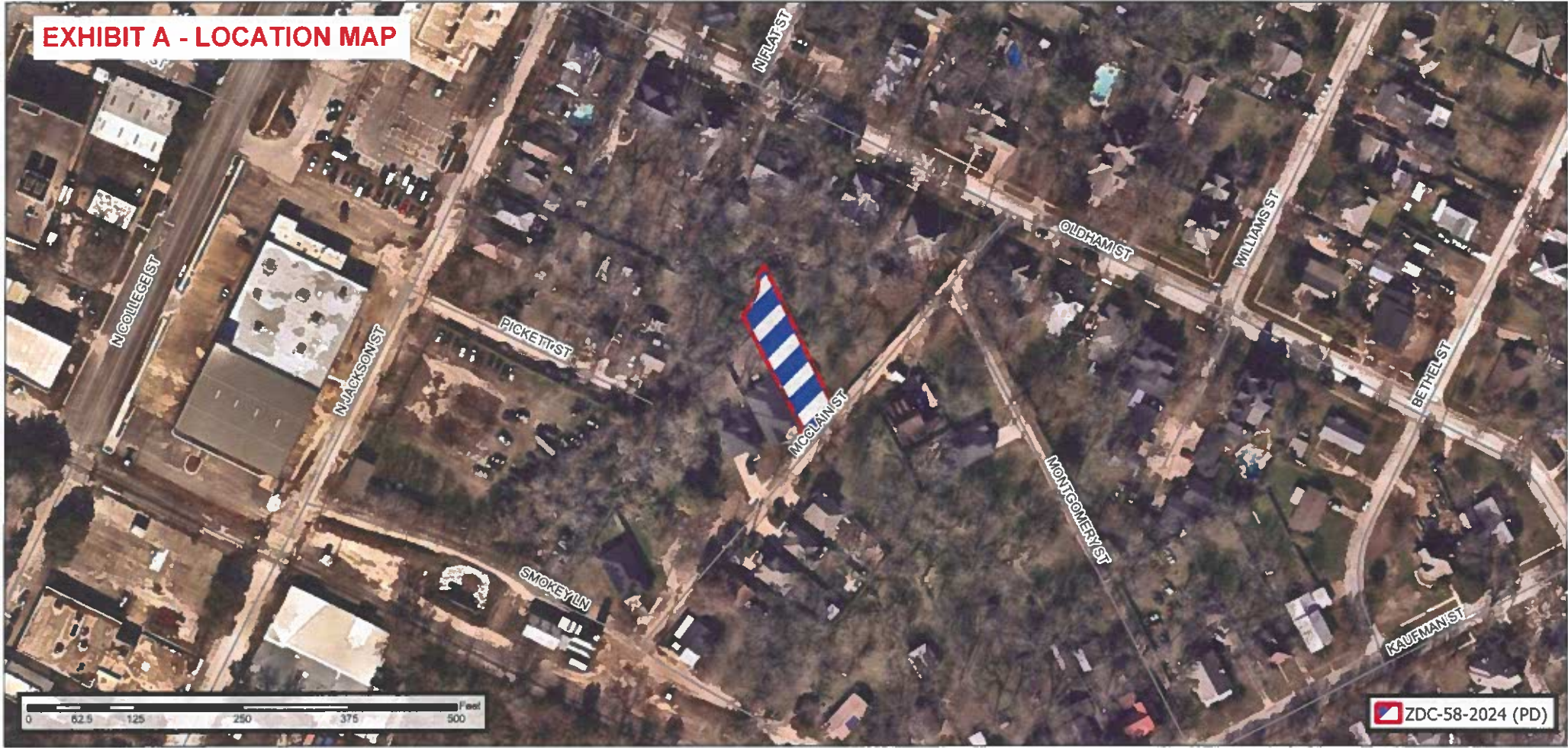
(26)

MAYOR

ATTEST:

City Secretary

EXHIBIT A - LOCATION MAP



ZDC-58-2024 (PD)

(216)

106 McCLAIN ST. WAXAHACHIE, TX 75165

DEVELOPMENT STANDARDS

Purpose and Intent

The purpose and intent of this Planned Development (PD) Zoning Change Application is to facilitate development of the subject property in a manner that allows residential development. Any conditions found within the Single Family Residential 2 (SF-2) zoning district or Zoning Ordinance that are not written herein, shall default to the City of Waxahachie's Code of Ordinances.

Compliance with the City's Comprehensive Plan

Zoning District SF-2 is the intended zoning classification underlying this PD request. Any variations to the base zoning district regulations and comprehensive plan are as detailed in this PD request document.

PD District Development Standards

Proposed Use of Property

The PD Concept Plan is intended to allow for one small single-family residence adequately sized for the 0.180-acre lot, and complimentary to existing small homes in the Waxahachie Town Addition.

General Development Requirements

Minimum Lot Area is 7,500 square feet.

Minimum Lot Width is 45 feet.

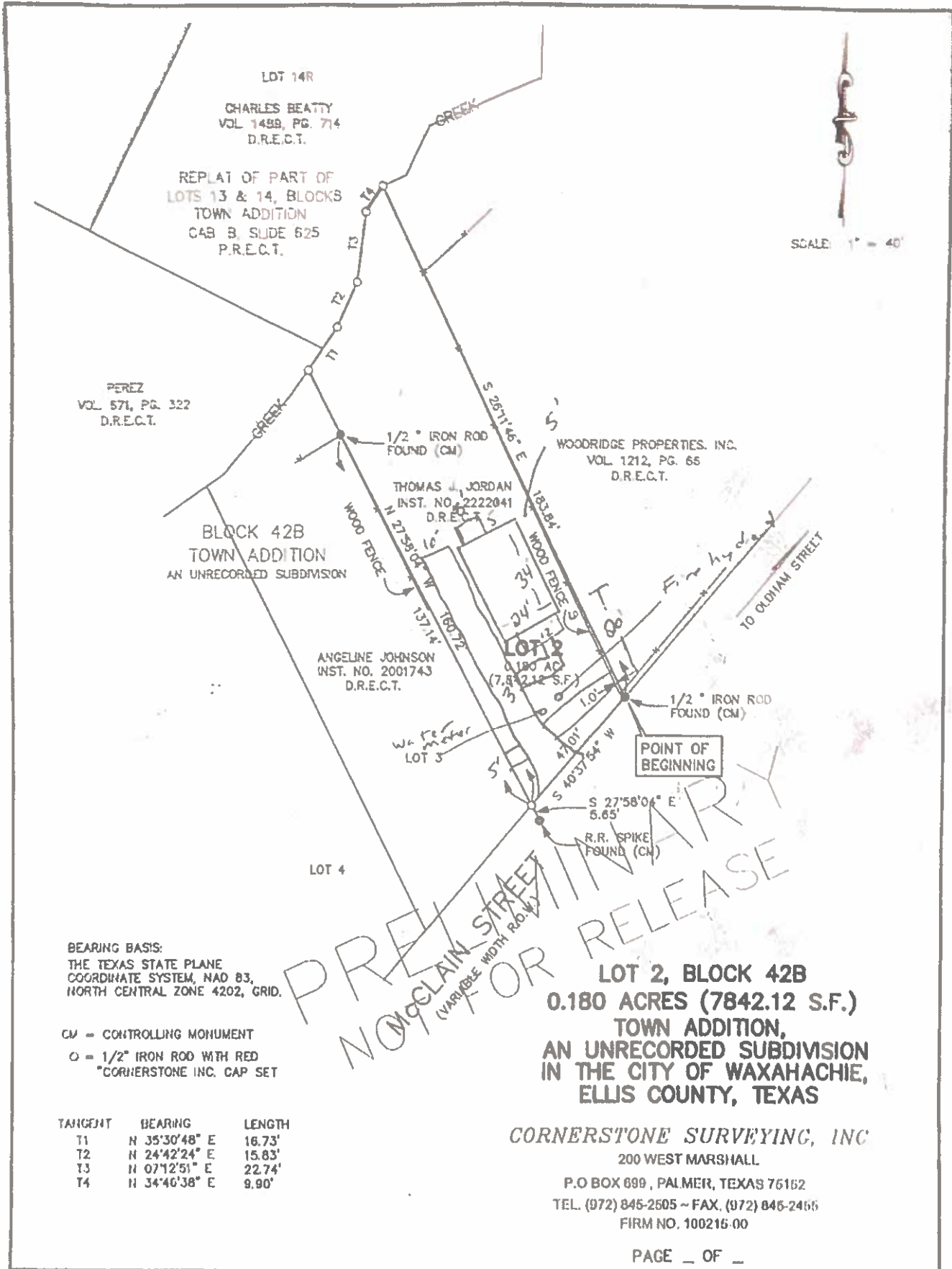
Minimum Dwelling Unit Area is 800 square feet.

Minimum of two off-street parking spaces, consisting of gravel, behind the front plan of the home shall be provided.

A 3' hard surface walkway from the sidewalk or driveway to the front of the home shall be provided.

City Ordinance Number 2596, which is colloquially referred to as the City's Infill Ordinance, shall be the basis which sets the standards for the construction of this residential structure within this PD.

EXHIBIT C - SITE PLAN



BEARING BASIS:
 THE TEXAS STATE PLANE
 COORDINATE SYSTEM, NAD 83,
 NORTH CENTRAL ZONE 4202, GRID.

CM - CONTROLLING MONUMENT
 O - 1/2" IRON ROD WITH RED
 "CORNERSTONE INC. CAP SET

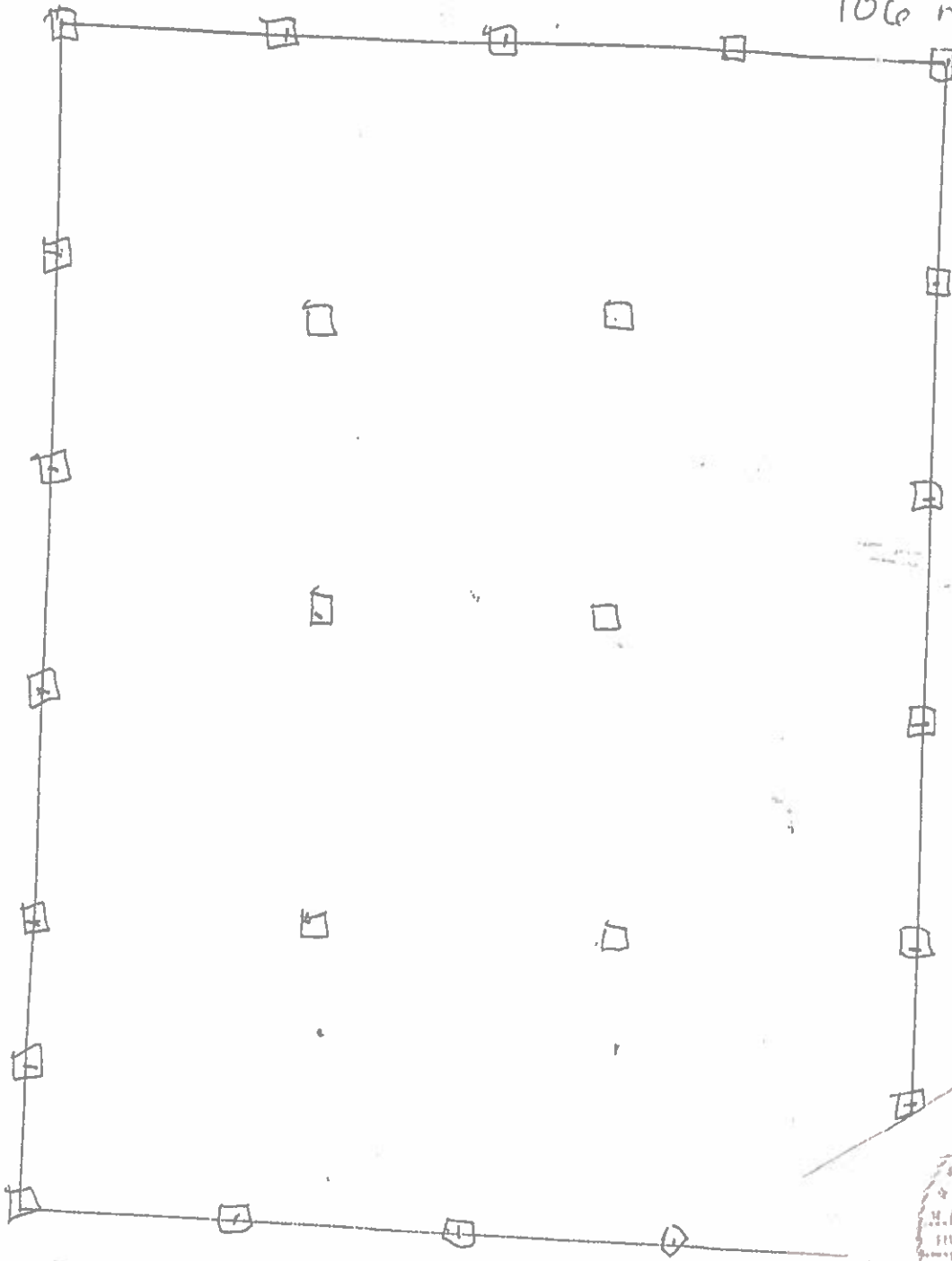
TANGENT	BEARING	LENGTH
T1	N 35°30'48" E	16.73'
T2	N 24°42'24" E	15.83'
T3	N 07°12'51" E	22.74'
T4	N 34°46'38" E	9.90'

LOT 2, BLOCK 42B
0.180 ACRES (7842.12 S.F.)
TOWN ADDITION,
AN UNRECORDED SUBDIVISION
IN THE CITY OF WAXAHACHIE,
ELLIS COUNTY, TEXAS

CORNERSTONE SURVEYING, INC
 200 WEST MARSHALL
 P.O. BOX 699, PALMER, TEXAS 76162
 TEL. (972) 846-2505 ~ FAX. (972) 846-2466
 FIRM NO. 100216-00

(24)

— 24 — Lot 2 Block 42 B
Town Addition
106 McClain



— 34 —

1/4" = 1'

Block + Pad

6' o.c. on exterior

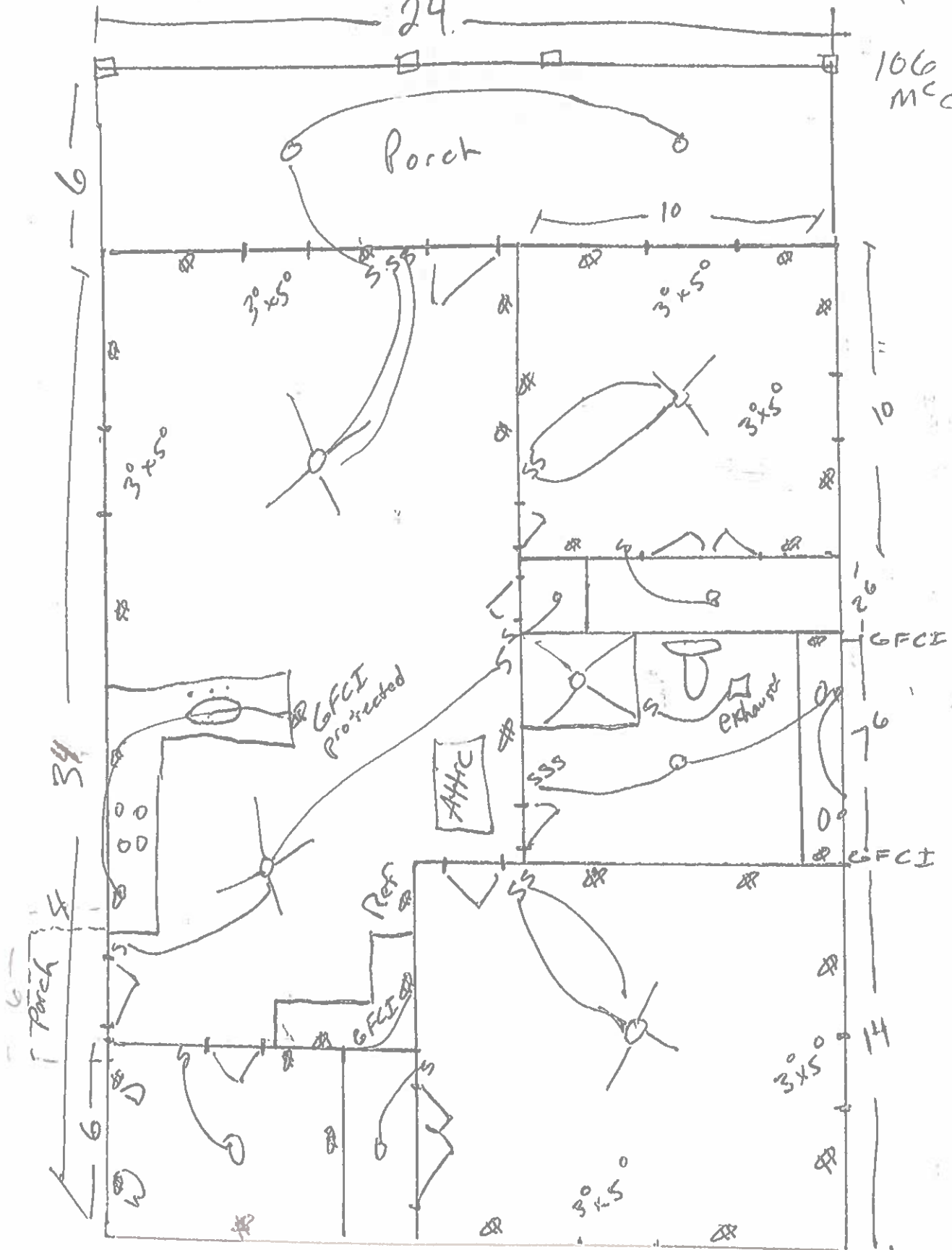
8' o.c. on interior



Printed/Handwritten signature and date: 2/10/24

Front Lot 2 Block 42B Town Addition

1066 M^cClain



(27)



Memorandum

To: Honorable Mayor and City Council

From: Chad Tustison, Finance Director

Thru: Michael Scott, City Manager

Date: May 6, 2024

Re: Consider an Ordinance approving an exemption from the City's property tax of 100% of the appraised value for all or part of real property used as a qualified childcare facility for the tax year beginning January 1, 2024.

Motion: "I move to adopt exemption from the City's property tax of 100 percent of the appraised value for all or part of real property used as a qualified childcare facility for the tax year beginning January 1, 2024."

Summary: On November 7, 2023, voters approved Texas Proposition 2, the Property Tax Exemption for Child-Care Facilities Amendment, which was on the ballot as a legislatively referred constitutional amendment. This amendment authorizes a local option exemption from ad valorem taxation by a county or municipality of all or part of the appraised value of real property used to operate a childcare facility. The percentage of exempted value granted may not be less than 50 percent.

According to the City's records, there are approximately 35 licensed or registered childcare facilities in Waxahachie. Of those, 20 are churches or schools and currently 100% exempt from City property taxes. Six of the properties are designated as homesteads and ineligible for the exemption. The remaining nine may be eligible for this exemption, based on criteria set by statute.

To qualify for the exemption, childcare facilities need to meet the following requirements:

(27)

- Facility must be licensed by the Health and Human Services Commission to provide assessment, care, training, education, custody, treatment, or supervision for a child who is not related to the owner or operator of the facility.
- Owner/operator participates in the Texas Workforce Commission's Texas Rising Star Program.
- At least 20% of children enrolled at the facility receive subsidized childcare services.

Fiscal Impact: The City has not been able to determine if any of these properties meet these additional criteria. Based on current estimates, the fiscal impact of approving a 100% exemption would be approximately \$30,000 in FY 2024.

In order to receive the childcare facility tax exemption, the person claiming the exemption must submit an application and necessary documentation to the Ellis County Appraisal District. The deadline to apply for the 2024 tax year would normally be April 30, 2024; however, the Appraisal District has extended that deadline to **May 15, 2024** for the current tax year.

(27)

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING AN EXEMPTION OF 100 PERCENT (100%) OF THE APPRAISED VALUE FOR ALL OR PART OF REAL PROPERTY USED AS A QUALIFIED CHILDCARE FACILITY IN ACCORDANCE WITH TEXAS TAX CODE § 11.36; AND AUTHORIZING AMENDMENTS TO CHAPTER 30 OF THE CITY CODE OF WAXAHACHIE, TEXAS TO GRANT SUCH EXEMPTION; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, Texas Tax Code § 11.36 (the “Code”) was recently amended to authorize cities and counties to establish a tax exemption of up to one hundred percent (100%) of the appraised value of all or part of real property that is used for operating a qualified childcare facility; and

WHEREAS, the City desires to implement the proposal to grant the Qualified Childcare Facility property tax exemption in accordance with the Code, effective January 1, 2024; and

WHEREAS, additions to the City Code are now required to be amended to conform the applicable provisions of the City Code to the State Tax Code;

NOW, THEREFORE, BE IT ORDINATED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

SECTION 1. The City of Waxahachie hereby adopts a 100% tax exemption of the appraised value of all or part of real property that is used for operating a qualified child-care facility, commencing with the 2024 tax year that began on January 1, 2024.

SECTION 2. Chapter 30 of the City of Waxahachie, Texas is hereby amended by adding Section 30-22, entitled “Exemption for Qualified Childcare Facility”, which shall read as follows:

Sec. 30-23. – Exemption for Qualified Childcare Facility

There is hereby established an ad valorem tax exemption in the amount of one hundred (100%) percent of the appraised value of all or part of the real property that is used for operating a qualified child-care facility upon compliance with all requirements of this article and all other applicable laws and resolutions of the state and the city, including, but not limited to, Section 11.36 of the Texas Tax Code.

PASSED, APPROVED AND ADOPTED on this 6th day of May, 2024.

MAYOR

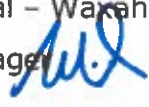
ATTEST:

City Secretary

(28 + 29)



Memorandum

To: Honorable Mayor and City Council
From: Anthony Warren, Senior Director of Building & Community Services and
Brent Fuller, Fire Marshal – Waxahachie Fire-Rescue
Thru: Michael Scott, City Manager 
Date: May 6, 2024
Re: Consider Adopting 2021 ICC Building and Fire Codes

Recommended Motion: "I move to approve revising portions of the City Code and adopt the International Code Council Codes 2021 Edition, the National Electrical Code 2020 Edition, and the International Fire Code 2021 Edition, with noted local amendments."

Item Description: Consider adopting the International Code Council Codes 2021 Edition, the National Electrical Code 2020 Edition and the International Fire Code 2021 Edition, with local amendments. The effective date will be June 1, 2024.

Item Summary: With the current ISO (Insurance Services Offices) rate review of the community underway, it was identified that the City was behind in the updating of its building and fire codes. And while updating the versions from 2018 to 2021 does not guarantee an upgraded ISO rating, it was noted by the reviewer as an important change that would definitely help the community's scoring. As such, the following outlines the request for consideration:

- An ordinance amending Chapter 8 (Building) of the Code of Ordinances of the City of Waxahachie; adopting the International Code Council Codes 2021 Edition and the National Electrical Code 2020 Edition with local amendments; and setting an effective date of June 1, 2024.
 - Revises Ch. 8
 - Updates Building Codes from 2018 ICC Codes to 2021 ICC Codes
 - Updates Electrical Code from 2017 NEC to 2020 NEC

- References 2021 NCTCOG Amendments
- An ordinance amending Chapter 12 (Fire Protection and Prevention) of the Code of Ordinances of the City of Waxahachie; adopting the International Fire Code 2021 Edition with local amendments; and setting an effective date of June 1, 2024.
 - Revises Ch. 12
 - Updates Fire Code from 2018 International Fire Code to 2021 International Fire Code
 - References 2021 NCTCOG Amendments
 - Adopts Appendix D – Fire Apparatus Access Roads

Some of the more impactful changes resulting from this code update are below. In an effort to minimize the construction or cost impacts of changing from the 2018 codes to the 2021 codes, staff closely scrutinized the various changes and their applicability to our local development community. In many cases, the NCTCOG amendment provided a reasonable level of relief to the national code and in other cases, staff recommends removing the new code entirely. Again, these represent the more notable changes:

- **R402.1.3 Insulation Minimum R-Values.** Is modified by increasing the ceiling R-value from R38 to R49.
 - **NCTCOG Amendment:** R38 to R42

Impact: Based on available data, going from R38 (current code) to R42 would be approximately \$200 per 2,000 sq. ft.

- **E3601.8 Emergency disconnects (230.85)** is added to require all one- and two-family dwellings to have an emergency disconnect in a readily accessible outdoor location.

Impact: The intent behind this change is to allow first responders to disconnect power in emergency situations rather than waiting for the electric utility company to arrive and shut of the power supply. Around 95% of Electrical Contactors are currently performing this to comply with State Electrical requirements.

- **E3606.5 Surge protection (230.67)** is added requiring all services supplying one- and two-family dwelling units to be provided with a surge-protection device at the service panel. This section will also be applicable when the service equipment is replaced.

Impact: This new section requires the installation of a surge-protection device for all dwelling units, including single family residences. In the past, dwelling unit surge protection has been optional and usually an “extra” for the electrician. The new requirement is in response to an identified need for surge

(28 + 29)

protection of sensitive electronic devices including appliances, GFCI and smoke alarms. Most Electrical Contractors are already installing Surge Protection in new construction. The national average cost is \$300 which includes the device and installation.

- **Fire Code Appendix D Fire Apparatus Access Roads** is added as an adoption. The provisions contained in appendices are not mandatory unless specifically referenced in the adopting ordinance or legislations of the jurisdiction.

Impact: Appendix D contains more detailed elements for use with the basic access requirements found elsewhere in the code, which gives some minimum criteria. Impact would be minimal as this section is currently being used as a guide, but this adoption would memorialize its regulations into our codes.

- **903. An automatic sprinkler system** shall be provided for group B occupancies where the following conditions exists:

The fire area exceeds ~~ten thousand (10,000)~~ six thousand (6,000) square feet or greater;

Impact: Local requirement reducing sprinkler requirement from 10,000 sq. ft. to 6,000 sq. ft. for all fire areas.

Fiscal Impact: There is no fiscal impact to the City in implementing this update of the various building and fire codes to the 2021 version.

(28)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WAXAHACHIE AMENDING SECTION 8 (BUILDING) OF THE CODE OF ORDINANCES, CITY OF WAXAHACHIE; ADOPTING THE INTERNATIONAL CODE COUNCIL CODES 2021 AND THE NATIONAL ELECTRICAL CODE 2020 EDITION WITH LOCAL AMENDMENTS AND SETTING AN EFFECTIVE DATE OF JUNE 1, 2024.

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

That Section 8 (Building) of the Code of Ordinances, City of Waxahachie, is amended to read as follows, as attached as Exhibit A, which is made a part hereof.

PASSED, APPROVED AND ADOPTED on this 6th day of May, 2024.

Mayor

ATTEST:

City Secretary

- CODE OF ORDINANCES
Chapter 8 BUILDING

Chapter 8 BUILDING¹

ARTICLE I. FIRE LIMITS

Sec. 8-1. In general.

The fire limits of the city are hereby established as follows:

From Madison Street on the south to the T.&N.O. Railway right-of-way on the north, and from the center line of Jackson Street on the east to the center line of Monroe Street in the west.

Such fire limits may be altered, modified, enlarged or diminished, from time to time, by ordinance duly enacted by the city council.

(Ord. No. 3074, 1-7-19)

ARTICLE II. BUILDING CODE

Sec. 8-2. Adoption.

- (a) There is hereby adopted, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of non-single-family residential buildings and structures, including permits and penalties, that certain building code known as the 2021 International Building Code and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, and the provisions thereof shall be controlling in the construction of all non-single-family residential buildings and structures therein contained within the corporate limits of the city.
- (b) The edition of the International Building Code presently adopted is the 2021 Edition, with North Central Texas Council of Government amendments to that date.
- (1) Section 202 - Option B Selected.
- (2) Section 903.2.11 - Option B Selected.

¹Editor's note(s)—Ord. No. 3074, adopted Jan. 7, 2019, amended ch. 8 in its entirety to read as herein set out.

Former ch. 8, §§ 8-1, 8-2, 8-17—8-23, 8-33—8-50, 8-52—8-58, 8-71—8-78, 8-81, 8-82, 8-91—8-93, 8-111—8-127, pertained to similar subject matter. See the Code Comparative Table for a complete derivation of these former provisions.

Cross reference(s)—Electricity, Ch. 11; fire protection and prevention, Ch. 12; health and sanitation, Ch. 15; housing, Ch. 16; construction regulations at Lake Waxahachie, § 18-20 et seq.; mobile homes, Ch. 19; planning, zoning and development, Ch. 24; plumbing and gas, Ch. 25; subdivisions, Ch. 29; utilities, Ch. 33; zoning, App. A; flood damage prevention, App. B; subdivisions, App. C.

State law reference(s)—Municipal regulation of housing and other structures, V.T.C.A., Local Government Code § 214.001 et seq.

(3) Section 3006.2 - Option B Selected.

(Ord. No. 3074, 1-7-19)

Charter reference(s)—Codes and technical regulations, § 2.16.

Sec. 8-3. Permit fees.

- (a) No permit as required by this code shall be issued until the fee prescribed in this section, if any, shall have been paid; nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost or additional square feet of the building or structure shall have been paid.
- (b) For a permit for the construction of new buildings, alterations, additions, or accessory buildings see Chapter 11 Fee Schedules.
- (c) For a fees associated with all of the following permits see Chapter 11 Fee Schedules.
 - (1) Demolition.
 - (2) Sidewalk and/or driveway.
 - (3) Fence.
 - (4) Temporary building.
 - (5) Miscellaneous (fee for work not listed).
 - (6) Temporary use (events, tent sale, carnival, etc.).
 - (7) Roofing.
 - (8) Supplemental plan review.
 - (9) Re-inspection.
- (d) An exception is provided for "infill construction" of new construction within the areas provided in Ordinance 2596. The areas provided for in said Ordinance 2596 are exempt from permit fees, except that multi-family, commercial or industrial uses in buildings of eight thousand (8,000) square feet or more shall still be subject to all permit fees.

(Ord. No. 3074, 1-7-19)

Sec. 8-4. Certificate of occupancy.

- (a) *Building occupancy.* A new non-single-family residential building shall not be occupied or a change made in the occupancy, nature or use of a building or part of a building until after the building official has issued a certificate of occupancy.
- (b) *Existing building certificate of occupancy.* A certificate of occupancy for any existing non-single-family residential building may be obtained by applying to the building official and supplying the information and data necessary to determine compliance with the technical codes for the occupancy intended.
- (c) *Fee.* See Fee Schedule Appendix A.

(Ord. No. 3074, 1-7-19)

Sec. 8-5. Penalty for violation.

Any person who shall violate any provision of the code adopted by the provisions of this article shall be deemed guilty of a misdemeanor, and shall be punished as provided by section 1-12 of this Code. Each day such violation continues shall be deemed a separate offense.

(Ord. No. 3074, 1-7-19)

ARTICLE III. EXISTING BUILDING CODE

Sec. 8-6. Adoption.

- (a) There is hereby adopted, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of non-single-family residential buildings and structures, including permits and penalties, that certain building code known as the 2021 International Existing Building Code and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, and the provisions thereof shall be controlling in the construction of all non-single-family residential buildings and structures therein contained within the corporate limits of the city.
- (b) The edition of the International Existing Building Code presently adopted is the 2021 Edition, with North Central Texas Council of Government amendments to that date.

(Ord. No. 3074, 1-7-19)

Sec. 8-7. Permit fees.

See Chapter 11 Fee Schedules.

(Ord. No. 3074, 1-7-19)

Sec. 8-8. Penalty for violation.

Any person who shall violate any provision of the code adopted by the provisions of this article shall be deemed guilty of a misdemeanor, and shall be punished as provided by section 1-12 of this Code. Each day such violation continues shall be deemed a separate offense.

(Ord. No. 3074, 1-7-19)

ARTICLE IV. RESIDENTIAL CODE

Sec. 8-9. Adoption.

- (a) There is hereby adopted, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of single-family buildings and structures, including permits and penalties, that certain building code known as the 2021 International Residential Code and the whole thereof, save and except such portions as are hereinafter

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deleted, modified or amended, and the provisions thereof shall be controlling in the construction of all buildings and structures therein contained within the corporate limits of the city.

- (b) The edition of the International Residential Code presently adopted is the 2021 Edition, with North Central Texas Council of Government amendments to that date.

(Ord. No. 3074, 1-7-19)

Sec. 8-10. Permit fees.

See Chapter 11 Fee Schedules.

(Ord. No. 3074, 1-7-19)

Sec. 8-11. Penalty for violation.

Any person who shall violate any provision of the code adopted by the provisions of this article shall be deemed guilty of a misdemeanor, and shall be punished as provided by section 1-12 of this Code. Each day such violation continues shall be deemed a separate offense.

(Ord. No. 3074, 1-7-19)

ARTICLE V. MOVING BUILDINGS

Sec. 8-12. Permit required.

It shall be unlawful for any person to move any house or building of any description, if over ten (10) feet to twenty (20) feet in size, or of such height to interfere with any utility lines or trees, or if moved on anything other than a standard rubber-wheeled truck or standard truck trailer over, across or along any street of this city without first obtaining a permit from the city building inspector, which permit shall specify conditions of the move, including the route to be taken and the time for moving.

(Ord. No. 3074, 1-7-19)

Sec. 8-13. Permit fee.

See Chapter 11 Fee Schedules.

(Ord. No. 3074, 1-7-19)

Sec. 8-14. Conditions of move.

The move, after a permit is issued, must be along identified routes in the permit, and must be by daylight only (barring exceptional circumstances which must be specified in the move permit); the city police department, city utilities, and local utility companies shall be notified of the demolition. The building may not be left unattended at any time during the move. Ample safety devices, signals, etc., must be provided. The city police department is not required to furnish escort service, but may do so at its option.

(Ord. No. 3074, 1-7-19)

Sec. 8-15. Visual inspection on new premises.

The city building inspector shall make a visual inspection of the house after placed on the new lot, including, but not limited to, wiring, plumbing and placement on the lot before allowing connection to utilities.

(Ord. No. 3074, 1-7-19)

Sec. 8-16. House connected to utilities on new lot.

The building being moved shall be properly prepared for connection to all utilities, if it is designed, built or modified to be used as a residence, and shall be connected to all utilities and otherwise prepared for occupancy, not including furniture, within ninety (90) days after the actual moving is completed.

(Ord. No. 3074, 1-7-19)

Sec. 8-17. Penalty for violation.

Any person who shall violate any provision of the code adopted by the provisions of this article shall be deemed guilty of a misdemeanor, and shall be punished as provided by section 1-12 of this Code. Each day such violation continues shall be deemed a separate offense.

(Ord. No. 3074, 1-7-19)

ARTICLE VI. MECHANICAL CODE

Sec. 8-18. Adoption.

- (a) The 2021 International Mechanical Code, and the State of Texas Law and Rules and Regulations concerning the practice and licensing of air conditioning and refrigeration contractors are hereby adopted and enacted as the official city mechanical code.
- (b) The edition of the International Mechanical Code presently adopted is the 2021 Edition, with North Central Texas Council of Government amendments to that date.

(Ord. No. 3074, 1-7-19)

Sec. 8-19. Permit fees.

See Chapter 11 Fee Schedules.

(Ord. No. 3074, 1-7-19)

Sec. 8-20. Licenses.

All persons, firms and corporations involved in the design, installation, construction, maintenance, servicing, repair, alteration or modification of any heating, ventilating or air conditioning product, system or equipment within the corporate limits of the city shall be licensed in accordance with the State of Texas.

(Ord. No. 3074, 1-7-19)

Sec. 8-21. Penalty for violation.

Any person who shall violate any provision of the code adopted by the provisions of this article shall be deemed guilty of a misdemeanor, and shall be punished as provided by section 1-12 of this Code. Each day such violation continues shall be deemed a separate offense.

(Ord. No. 3074, 1-7-19)

ARTICLE VII. ELECTRICAL CODE

Sec. 8-22. Scope.

The "City Electrical Ordinance" shall apply to all property situated within the city limits of the City of Waxahachie.

(Ord. No. 3074, 1-7-19)

Sec. 8-23. Adoption.

- (a) The 2020 National Electrical Code, and the State of Texas Law and Rules and Regulations concerning the practice and licensing of electrical contractors are hereby adopted and enacted as the official city electrical code.
- (b) The edition of the National Electrical Code presently adopted is the 2020 Edition, with North Central Texas Council of Government amendments to that date.

(Ord. No. 3074, 1-7-19)

Sec. 8-24. Permit fees.

See Chapter 11 Fee Schedules.

(Ord. No. 3074, 1-7-19)

Sec. 8-25. Licenses.

All persons engaged in electrical business, shall be properly licensed by the State of Texas.

(Ord. No. 3074, 1-7-19)

Sec. 8-26. Penalty for violation.

Any person who shall violate any provision of the code adopted by the provisions of this article shall be deemed guilty of a misdemeanor, and shall be punished as provided by section 1-12 of this Code. Each day such violation continues shall be deemed a separate offense.

(Ord. No. 3074, 1-7-19)

(28)

Sec. 8-27. Electrical advisory board.

There is hereby created an electrical advisory board within the city, which board shall be known as the electrical advisory board.

- (a) The board shall be composed of seven (7) members, one (1) of whom shall be the electrical inspector, one (1) the fire marshal or his representative, four (4) electricians with State of Texas issued electrical license, and one (1) representative of the public utility company. Four (4) members of this board shall constitute a quorum. Any member of the board involved in a dispute before the board shall disqualify himself. In the event that volunteer members required to have a State of Texas electrical license are not available, alternate members shall be taxpaying resident elector(s) of the city.
- (b) The members of the board shall be appointed by the mayor with the approval of the city council, from recommendations of the board.
- (c) The existing board shall serve its regular appointed term after the enactment of this chapter. Thereafter, all members shall be appointed for a term of two (2) years each.
- (d) No electrician shall serve or hold office longer than two (2) consecutive full two-year terms. Any member of the board may resign from his appointment by submitting a formal resignation to the city council at a regularly scheduled council meeting. When good cause exists, a member may be removed from office by the city council. Any member who is absent two (2) consecutive regular meetings, without just cause, shall be considered as having resigned and shall be replaced by the city council upon recommendation from the electrical board. After the expiration of the terms, members shall continue until their successor is appointed.
- (e) If for any reason a vacancy is created in the board, the mayor shall appoint a new member, with the approval of the city council.
- (f) Members of the board shall receive no compensation for their service on the board.
- (g) Powers and responsibility of board:
 - (1) The electrical advisory board shall act as the electrical appeals board both to interpret meaning of this Code and also to settle differences of interpretation of this Code between the electrical inspector and any license holder or home owner and utility company.
 - (2) This board may be called into session at any time by the chairman of the board or by a majority of the board, provided that each member must be given at least twenty-four (24) hours notice by the secretary.
 - (3) An appeal may be taken from any ruling, interpretation, requirement, or decision made by the electrical inspector by the filing of an application in writing with the secretary of the board for a hearing before the electrical advisory board at its regular meeting period and decision of the electrical advisory board in said hearing shall be final.
 - (4) An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this Code.
- (h) The electrical inspector or his/her designated staff member shall serve as secretary to the board and shall keep a complete written record of all proceedings of the board and shall give copies of these records to each member of the board immediately after preparation of same if board members so desire.

(Ord. No. 3074, 1-7-19)

Sec. 8-28. Use of BX cable.

Armored cable known as BX cable shall not be acceptable as a wiring method in the city.

(Ord. No. 3074, 1-7-19)

Sec. 8-29. Nob and tube wiring restricted.

In all new work or revisions of old work, nob and tube wiring system shall not be used for wiring in the city.

(Ord. No. 3074, 1-7-19)

Sec. 8-30. Aluminum wire conductors restricted.

Aluminum and copper-clad aluminum conductors required to be sized two hundred fifty (250) Kcmil and larger may be used as service entry conductors and feeders only. Aluminum and copper-clad aluminum wiring is prohibited in R-3 occupancy construction (single-family dwellings).

(Ord. No. 3074, 1-7-19)

Sec. 8-31. Wire size.

Number fourteen (#14) awg wire is prohibited in branch circuits.

(Ord. No. 3074, 1-7-19)

Sec. 8-32. Service size.

No permanent service (on a dwelling unit) shall be less than one hundred (100) amp 3 wire.

(Ord. No. 3074, 1-7-19)

Sec. 8-33. Separate circuits.

Bathroom resistance heaters, dishwashers, microwave ovens (built in), washing machines, refrigerators and freezers each will be on a separate circuit.

(Ord. No. 3074, 1-7-19)

Sec. 8-34. Service entrance on buildings.

A service entrance to a building can be done only by a licensed electrician.

(Ord. No. 3074, 1-7-19)

Sec. 8-35. Service lines.

A residential service line that runs in a building or through a floor more than ten (10) feet must have a disconnect at the point it enters the building or floor.

(Ord. No. 3074, 1-7-19)

Sec. 8-36. Ganged meters.

If there are more than two (2) meters, there must be a disconnect for each meter outside.

(Ord. No. 3074, 1-7-19)

Sec. 8-37. More than six meter sockets.

Where there are more than six (6) meter sockets in one building, there must be a main disconnect to each one, plus a master disconnect in front of the six (6).

(Ord. No. 3074, 1-7-19)

Sec. 8-38. Ground-fault circuit interrupter.

The bathroom and kitchen receptacle shall not be on the same GFI circuit.

(Ord. No. 3074, 1-7-19)

ARTICLE VIII. PLUMBING CODE

Sec. 8-39. Adoption.

- (a) The 2021 International Plumbing Code, and the State of Texas Law and Rules and Regulations concerning the practice and licensing of plumbing contractors are hereby adopted and enacted as the official city plumbing code.
- (b) The edition of the International Plumbing Code presently adopted is the 2021 Edition, with North Central Texas Council of Government amendments to that date.

(Ord. No. 3074, 1-7-19)

Sec. 8-40. Permit fees.

See Chapter 11 Fee Schedules.

(Ord. No. 3074, 1-7-19)

Sec. 8-41. Licenses.

All persons, firms and corporations involved in the design, installation, construction, maintenance, servicing, repair, alteration or modification of any plumbing product, system or equipment within the corporate limits of the city shall be licensed in accordance with the State of Texas.

(Ord. No. 3074, 1-7-19)

Sec. 8-42. Penalty for violation.

Any person who shall violate any provision of the code adopted by the provisions of this article shall be deemed guilty of a misdemeanor, and shall be punished as provided by section 1-12 of this Code. Each day such violation continues shall be deemed a separate offense.

(Ord. No. 3074, 1-7-19)

ARTICLE IX. FUEL GAS CODE

Sec. 8-43. Adoption.

- (a) The 2021 International Fuel Gas Code, and the State of Texas Law and Rules and Regulations concerning the practice and licensing of plumbing contractors are hereby adopted and enacted as the official city plumbing code.
- (b) The edition of the International Fuel Gas Code presently adopted is the 2021 Edition, with North Central Texas Council of Government amendments to that date.

(Ord. No. 3074, 1-7-19)

Sec. 8-44. Permit fees.

See Chapter 11 Fee Schedules.

(Ord. No. 3074, 1-7-19)

Sec. 8-45. Licenses.

All persons, firms and corporations involved in the design, installation, construction, maintenance, servicing, repair, alteration or modification of any fuel gas product, system or equipment within the corporate limits of the city shall be licensed in accordance with the State of Texas.

(Ord. No. 3074, 1-7-19)

Sec. 8-46. Penalty for violation.

Any person who shall violate any provision of the code adopted by the provisions of this article shall be deemed guilty of a misdemeanor, and shall be punished as provided by section 1-12 of this Code. Each day such violation continues shall be deemed a separate offense.

(Ord. No. 3074, 1-7-19)

ARTICLE X. ENERGY CODE

Sec. 8-47. Adoption.

- (a) The 2021 International Energy Conservation Code, and the State of Texas Law and Rules and Regulations concerning the practice and licensing of plumbing contractors are hereby adopted and enacted as the official city plumbing code.
- (b) The edition of the International Energy Conservation Code presently adopted is the 2021 Edition, with North Central Texas Council of Government amendments to that date.

(Ord. No. 3074, 1-7-19)

Sec. 8-48. Permit fees.

See Chapter 11 Fee Schedules.

(Ord. No. 3074, 1-7-19)

Sec. 8-49. Licenses.

All persons, firms and corporations involved in the design, installation, construction, maintenance, servicing, repair, alteration or modification of any energy product, system or equipment within the corporate limits of the city shall be licensed in accordance with the State of Texas.

(Ord. No. 3074, 1-7-19)

Sec. 8-50. Penalty for violation.

Any person who shall violate any provision of the code adopted by the provisions of this article shall be deemed guilty of a misdemeanor, and shall be punished as provided by section 1-12 of this Code. Each day such violation continues shall be deemed a separate offense.

(Ord. No. 3074, 1-7-19)

ARTICLE XI. SWIMMING POOL AND SPA CODE

Sec. 8-51. Adopted.

- (a) The 2021 International Swimming Pool and Spa Code concerning the construction of swimming pools is hereby adopted and enacted as the official city swimming pool code.
 - (1) 305.4 Structure wall as a barrier (alarm option #1) - removed.
- (b) The edition of the International Swimming Pool and Spa Code presently adopted is the 2021 Edition, with North Central Texas Council of Government amendments to that date.

(Ord. No. 3074, 1-7-19)

Sec. 8-52. Permit fees.

See Chapter 11 Fee Schedules.

(Ord. No. 3074, 1-7-19)

Sec. 8-53. Penalty for violation.

Any person who shall violate any provision of the code adopted by the provisions of this article shall be deemed guilty of a misdemeanor, and shall be punished as provided by section 1-12 of this Code. Each day such violation continues shall be deemed a separate offense.

(Ord. No. 3074, 1-7-19)

ARTICLE XII. LANDSCAPE IRRIGATION

Sec. 8-54. Valid license required.

Any person who connects an irrigation system to the water supply within the city must hold a valid license, as defined by Title 30, Texas Administrative Code, Chapter 30 and required by V.T.C.A., Occupations Code ch. 1903, or as defined by Chapter 365, Title 22 of the Texas Administrative Code and required by V.T.C.A., Occupations Code ch. 1301.

Exemptions: A property owner is not required to be licensed in accordance with V.T.C.A., Occupations Code Title 12, § 1903.002(c)(1), if he or she is performing irrigation work in a building or on a premises owned or occupied by the person as the person's home. A home or property owner who installs an irrigation system must meet the standards contained in Title 30, Texas Administrative Code, Chapter 344, regarding spacing, water pressure, spraying water over impervious materials, rain or moisture shut-off devices or other technology, backflow prevention and isolation valves. The city may, at any point, adopt more stringent requirements for a home or property owner who installs an irrigation system. See V.T.C.A., Occupations Code § 1903.002 for other exemptions to the licensing requirement.

(Ord. No. 3074, 1-7-19)

Sec. 8-55. Permit fees.

See Chapter 11 Fee Schedules.

(Ord. No. 3074, 1-7-19)

Sec. 8-56. Penalty for violation.

Any person who shall violate any provision of the code adopted by the provisions of this article shall be deemed guilty of a misdemeanor, and shall be punished as provided by section 1-12 of this Code. Each day such violation continues shall be deemed a separate offense.

(Ord. No. 3074, 1-7-19)

ARTICLE XIII. SUBSTANDARD STRUCTURES

(Supp. No. 31)

Sec. 8-57. Purpose.

- (a) The purpose of this article is to protect the health, safety, and welfare of the citizens of the City of Waxahachie by establishing minimum standards applicable to residential and nonresidential structures. Minimum standards are established with respect to utilities, facilities, and other physical components essential to make structures safe, sanitary, and fit for human use and habitation. Remedial measures as appropriate are provided for.

(Ord. No. 3095, 2-18-19)

Sec. 8-58. Definitions.

In this article:

Basement means the part of a building that is wholly or partly below ground level.

Bathroom means an enclosed space containing one (1) or more bathtubs, showers, or both, and when may also include toilets, lavatories, or fixtures serving similar purposes.

Cellar means a room below ground level in a house, typically used for storing wine or coal.

Departments means the building and community services department designated by the city manager to enforce and administer this article.

Director means the director of the building and community services designated by the city manager to enforce and administer this article and includes representatives, agents, or department employees designated by the director.

Dwelling means a structure or building occupied as a residence.

Floor space means the total area of all habitable space.

Grade means the natural surface of the ground, or surface ground after completion of any change in contour.

Habitable space means the space occupied by one (1) or more persons while living, sleeping, eating, and cooking; excluding kitchenettes, bathrooms, toilet rooms, laundries, pantries, dressing rooms, closets, storage spaces, foyers, hallways, utility rooms, heater rooms, boiler rooms, and basement or cellar recreation rooms.

Kitchen means a space, sixty (60) square feet or more in floor area with a minimum width of five (5) feet, used for cooking or preparation of food.

Kitchenette means a space, less than sixty (60) square feet in floor area, used for cooking or preparation of food.

Operating condition means free of leaks, safe, sanitary, and in good working order.

Owner means the record title holder according to the Ellis County records.

Person means any individual, corporation, organization, partnership, association, or any other legal entity.

Plumbing fixtures means gas pipes, water pipes, toilets, laboratories, sinks, laundry tubs, dishwashers, garbage disposal units, clothes washing machines, catch basins, wash basins, bathtubs, shower baths, sewer pipes, sewage system, septic tanks, drains, vents, traps, and other fuel-burning or water-using fixtures and appliances, together with all connections to pipes.

Premises or property means a lot, plot, or parcel of land, including any structures on the land.

Property manager means a person who for compensation has managing control of real property.

Public nuisance means a premises or structure that:

- a. Is dangerous to the physical health or safety of an occupant or other person; or
- b. Because of violations of this article, its state of disrepair is such that it could cause injury, damage, harm, or inconvenience to the community in the use and enjoyment of property, materially interfering with the proper use or comfort and enjoyment of surrounding property, taking into consideration the nature and use of the properties in the area and the character of the community in which they are situated, which condition would be substantially offensive and annoying to persons of ordinary sensibilities, tastes, and habits living in the community.

Public sewer means a sewer operated by a public authority or public utility and available for public use.

Sanitary means any condition of good order and cleanliness that precludes the probability of disease transmission.

Structure means that which is built or constructed, an edifice or building of any kind, or any piece of work, artificially built up or composed of parts joined together in some definite manner.

(Ord. No. 3095, 2-18-19)

Sec. 8-59. Substandard structures defined.

- (a) *Generally.* Any building or portion thereof which is determined to be an unsafe building in accordance with the building code, or any building or portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof, shall be deemed and hereby are declared to be substandard buildings.
- (b) *Inadequate sanitation.* Buildings or portions thereof shall be deemed substandard when they are unsanitary. Inadequate sanitation shall include but not be limited to the following:
 - (1) Lack of or improper water closet, lavatory, bathtub, or shower.
 - (2) Lack of or improper kitchen sink in a dwelling unit.
 - (3) Lack of hot and cold running water to plumbing fixtures.
 - (5) Lack of adequate heating facilities.
 - (6) Lack of or improper operation of required ventilating equipment.
 - (7) Lack of minimum amounts of natural light and ventilation required by codes.
 - (8) Room and space dimensions less than required by codes.
 - (9) Lack of required electrical lighting.
 - (10) Dampness of habitable rooms.
 - (11) Infestation by vermin (insects, rodents, etc.).
 - (12) General dilapidation or improper maintenance.
 - (13) Lack of or inadequate connection to required sewage disposal system.
 - (14) Lack of adequate garbage and rubbish storage and removal facilities.
 - (15) Partial destruction or damage by fire unrepaired for more than ninety (90) days.

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- (c) **Structural hazards.** Buildings or portions thereof shall be deemed substandard when they are or contain structural hazards. Structural hazards shall include but not be limited to the following:
- (1) Deteriorated or inadequate foundation;
 - (2) Defective or deteriorated flooring or floor supports;
 - (3) Flooring or floor supports of insufficient size to carry imposed load with safety;
 - (4) Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration;
 - (5) Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety;
 - (6) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split or buckle due to defective material or deterioration;
 - (7) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety;
 - (8) Fireplaces or chimneys which tilt, bulge, or settle due to defective material or deterioration;
 - (9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety;
 - (10) Heating flues and exhausts which tilt, bulge, or settle due to defective material or deterioration.
- (d) **Nuisances.** Buildings or portions thereof in which there exists any nuisance as defined by ordinance are deemed substandard buildings.
- (e) **Hazardous electrical wiring.** Electrical wiring which was installed in violation of code requirements in effect at the time of installation or electrical wiring not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good condition, or which is not being used in a safe manner shall be considered substandard.
- (f) **Hazardous plumbing.** Plumbing which was installed in violation of code requirements in effect at the time of installation or plumbing not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good condition, or which is not free of cross-connections or siphonage between fixtures shall be considered substandard.
- (g) **Hazardous mechanical.** Mechanical equipment which was installed in violation of code requirements in effect at the time of installation, or mechanical equipment not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good and safe condition shall be considered substandard.
- (h) **Faulty weather protection.** Buildings or portions thereof shall be considered substandard when they have faulty weather protection which shall include but not be limited to the following:
- (1) Deteriorated, crumbling, or loose plaster.
 - (2) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.
 - (3) Defective or lack of weather protection for exterior wall coverings (eg: lack of paint, weathering due to lack of paint or lack of other approved protective covering).
 - (4) Broken, rotted, missing, split or buckled exterior walls, wall coverings, or roof coverings.
- (i) **Fire hazards.** Any building or portion thereof, device, apparatus, equipment, combustible waste or vegetation which, in the opinion of the director, is in such a condition as to cause a fire or explosion or

provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause shall be considered a substandard building.

- (j) *Faulty materials of construction.* The use of materials of construction except those which are specifically allowed or approved by the building code shall cause a building to be substandard.
- (k) *Hazardous or insanitary premises.* The accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, rat harborages, stagnant water, combustible materials and similar materials or conditions on premises constitutes a nuisance to be abated as provided by this article.
- (l) *Inadequate exits.* Except for those buildings or portions thereof which have been provided with adequate exit facilities conforming to the provisions of this code, buildings or portions thereof whose exit facilities were installed in violation of code requirements in effect at the time of their construction or whose exit facilities have not been increased in number or width in relation to any increase in occupant load due to alterations, additions or change in use or occupancy subsequent to the time of construction shall be considered substandard. Notwithstanding compliance with code requirements in effect at the time of their construction, buildings or portions thereof shall be considered substandard when the director finds that an unsafe condition exists through an improper location of exits, or a lack of an adequate number or width of exit, or when other conditions exist which are dangerous to human life.
- (m) *Inadequate fire protection or firefighting equipment.* Buildings or portions thereof shall be considered substandard when they are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by the codes of the city, except those buildings or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.
- (n) *Improper occupancy.* All buildings or portions thereof occupied for living, sleeping, cooking, or dining purposes which were not designed or intended to be used for such occupancies shall be considered substandard.

{ Ord. No. 3095, 2-18-19 }

Sec. 8-60. Notices and orders of the director.

- (a) *Commencement of proceedings.* Proceedings to bring a substandard property into compliance shall commence whenever the director has inspected or caused to be inspected any building, and has found and determined one (1) of the following:
 - (1) Substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare;
 - (2) Regardless of its structural condition, unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage, or could be entered or used by children; or
 - (3) Boarded up, fenced, or otherwise secured in any manner if:
 - a. The building constitutes a danger to the public even though secured from entry; or
 - b. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection (a)(2) of this section.
- (b) *Issuance of notice.* The director shall issue a notice directed to the record owner of the building. The notice shall contain as applicable:
 - (1) The street address and description (legal or other) sufficient for identification of the premises upon which the building is located;

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- (2) A statement that the director has found the building to be substandard, with a brief and concise description of the conditions found to render the building substandard;
 - (3) A statement of the action required to be taken as determined by the director;
 - (4) A requirement that the owner or person in charge of the building or premises secure required permits and commence the required action within fifteen (15) days from the date of such notice and that all work be completed within ninety (90) days, or as the director determines is reasonable;
 - (5) If the director has determined that the building or structure must be vacated, the notice shall contain a requirement that the building be vacated within such time from the date of the notice as determined by the director to be reasonable;
 - (6) A statement advising that, if any required repair or demolition work is not commenced within the time specified, the director will, without further notice, order the building vacated and posted to prevent further occupancy until the work is completed;
 - (7) A statement advising that, if any required repair or demolition work is not commenced or completed within the time specified, proceedings will be commenced to have the building repaired, removed, or demolished and the cost of such assessed as a charge against the land.
- (c) *Service of notice.* The notice and any amended notice shall be served upon the record owner.
- (d) *Method of service.* Service of notice shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at his address as it appears on the last tax roll of the city, or as known to the director. If no address of any such person so appears or is known to the director, then a copy of the notice and order shall be published twice within ten (10) consecutive days in a newspaper of general circulation in the city. Failure to receive such notice or order shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner provided in this section shall be deemed effective on the date of mailing. Service by publication shall be deemed effective on the date of the second publication.
- (e) *Order to vacate.* An order to vacate immediately may be issued only if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or of the occupants.
- (f) *Posting.* Every notice to vacate shall, in addition to being served as provided in subsection (d), be posted at or upon each exit of the building, and shall be in the following form:

DO NOT ENTER

UNSAFE TO OCCUPY

It is a Misdemeanor to Occupy this Building

or to Remove or Deface this Notice

Director of Building & Community Services

City of Waxahachie, TX

(Ord. No. 3095, 2-18-19)

Sec. 8-61. Public hearing; order by council.

If the required repair or demolition has not been commenced within fifteen (15) days from the date of any notice served pursuant to this article, or if required action has not been completed within ninety (90) days or as required by such notice, the director shall commence proceedings as follows:

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(Supp. No. 31)

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- (a) The council shall be notified and requested to consider holding a public hearing to decide whether to order the repair, removal or demolition specified in such notice to be done and whether to cause the cost of such work to be paid and levied as a special assessment against the property.
 - (b) The city manager will set a date and time for a public hearing to consider ordering the improvement and assessment of any property the owner has failed to improve as required by notices described in this article. Such public hearing shall be held not less than fifteen (15) nor more than sixty (60) days from the date such hearing is set.
 - (c) A title search shall be conducted to discover each owner, mortgagee and lienholder, and notice of the public hearing to be held before the council shall be given by causing a notice thereof to be served on the owner of such property and upon each mortgagee and lienholder having an interest in the building or in the property on which the building is located. A diligent search shall be made by searching the following records:
 - (1) County real property records;
 - (2) Appraisal district records;
 - (3) Records of the secretary of state;
 - (4) Assumed name records of the county;
 - (5) Tax records of the city; and
 - (6) Utility records of the city.

Such notice shall be mailed to such owner, mortgagee and lienholder by certified mail, return receipt requested. The notice shall include the date, time and place of such hearing and shall state that the owner, lienholder or mortgagee will be required to submit proof of the scope of any work that may be required to comply with this article and the time it will take to reasonably perform the work together with:

- (1) The name and address of the record owner;
 - (2) The street address of the premises;
 - (3) An identification, which is not required to be a legal description, of the building and the property on which it is located;
 - (4) A description of the violation of city standards that is present at the building; and
 - (5) A statement that the city will vacate, secure, remove, or demolish the building or relocate the occupants of the building if the ordered action is not taken within a reasonable time.
- (d) After conducting a hearing authorized under this section, if the council finds that the allegations are true, the council shall require the owner, lienholder, or mortgagee of the building to, within thirty (30) days:
 - (1) Secure the building from unauthorized entry; or
 - (2) Repair, remove, or demolish the building, unless the owner or lienholder establishes at the hearing that the work cannot reasonably be performed within that time frame.
 - (e) If the council allows the owner, lienholder, or mortgagee more than thirty (30) days to repair, remove, or demolish the building, the council shall establish specific time schedules for the commencement and performance of the work and shall require the owner, lienholder, or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed, as determined by the council.

- (f) The owner, lienholder, or mortgagee shall not be allowed more than ninety (90) days to repair, remove, demolish the building, or fully perform all work required to comply with the order unless the owner, lienholder, or mortgagee:
 - (1) Submits a detailed plan and time schedule for the work at the hearing; and
 - (2) Establishes at the hearing that the work cannot reasonably be completed within ninety (90) days because of the scope and complexity of the work.
- (g) If the council allows the owner, lienholder, or mortgagee more than ninety (90) days to complete any part of the work required to repair, remove, or demolish the building, the owner, lienholder, or mortgagee shall be required to regularly submit progress reports to the city to demonstrate that the owner, lienholder, or mortgagee has complied with the time schedules established for commencement and performance of the work. The order may require that the owner, lienholder, or mortgagee appear before the council or its designee to demonstrate compliance with the time schedules.
- (h) In a public hearing to determine whether a building complies with the standards set out in this article, the owner, lienholder, or mortgagee has the burden of proof to demonstrate the scope of any work that may be required to comply with this article and the time it will take to reasonably perform the work. The council shall specify a reasonable time for the building to be vacated, secured, repaired, removed or demolished by the owner or for the occupants to be relocated by the owner and an additional reasonable time for the ordered action to be taken by the mortgagees or lienholders in the event the owner fails to comply with the order within the time provided for action by the owner.
- (i) The council's requirement shall be reduced to writing and shall be considered an order. Within ten (10) days after the date that the order is issued, the city secretary shall:
 - (1) File a copy of the order in the office of the municipal secretary or clerk; and
 - (2) Publish in a newspaper of general circulation in the municipality in which the building is located a notice containing:
 - a. The street address or legal description of the property;
 - b. The date of the hearing;
 - c. A brief statement indicating the results of the order; and
 - d. Instructions stating where a complete copy of the order may be obtained.
- (j) After the hearing, the city secretary shall promptly mail by certified mail, return receipt requested, a copy of the order to the owner of the building and the lienholder and/ or mortgagee.

(Ord. No. 3095, 2-18-19)

Sec. 8-62. Performance of work by city; recovery of city's costs.

- (a) *Procedure.* If the building is not vacated, secured, repaired, removed, demolished, or the occupants are not relocated within the allotted time pursuant to the provisions of the order of the city council, the work may be accomplished by city personnel or by private contract as may be deemed necessary. Rubble and debris shall be removed from any premises and the lot shall be cleaned. The building or building materials may be sold if removal is ordered, and the proceeds shall be used to offset other costs of cleaning the lot.
- (b) *Costs.* The cost of such work shall be paid from the city funds and shall constitute a special assessment and a lien against such property to secure its payment from the date the lien is recorded in the county clerk's office. Such liens shall be privileged as provided by law. The city attorney may bring an action in any court of proper jurisdiction to foreclose the lien and to recover the costs incurred by the city.

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(Ord. No. 3095, 2-18-19)

Sec. 8-63. Notice of lien.

A sworn account of the expense incurred by the city in the repair, removal or demolition of any building, done pursuant to the provisions of this article, shall be filed by the director with the city secretary. The city secretary shall file such notice of the city's assessment and lien in the records of the county clerk. Such notices shall read substantially as follows:

STATE OF TEXAS
COUNTY OF ELLIS
NOTICE OF LIEN

_____, Director of Building & Community Services for the City of Waxahachie, makes oath and says that the City of Waxahachie has incurred an expense of \$____ in improving property, the legal description of which is _____. Such expense was incurred to repair, remove or demolish substandard buildings after notices pursuant to ordinance and to Chapter 214, Texas Local Government Code, were served on the record owner thereof, _____, whose address is _____.

Director of Building & Community Services
Waxahachie, Texas

SWORN TO AND SUBSCRIBED before me by the said _____ this ____ day of _____, to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

(Ord. No. 3095, 2-18-19)

Sec. 8-64. Violations; penalty.

A person who violates a provision of this article, or who fails to perform an act required of him by this article, commits an offense. A person commits a separate offense each day or portion of a day during which a violation is committed, permitted or continued. A violation of this article is punishable by a fine not to exceed two thousand dollars (\$2,000.00) per violation. No person shall remain in or enter any building which has been posted except that entry may be made to repair, demolish or remove such building under substandard building repair permit. No person or animal shall remain in or on the property between 10:00 p.m. and 6:00 a.m. No person shall remove or deface any such notice after it is posted until the required repair, demolition or removal has been completed and a certificate of occupancy issued pursuant to the provisions of the building code. Any person violating this section shall be guilty of a class C misdemeanor, and any person who fails to meet the requirements made in any notice duly served as provided in this article shall be guilty of a misdemeanor for each day such failure continues after the date the notice requires compliance.

(Ord. No. 3095, 2-18-19)

Secs. 8-65—8-74. Reserved

ARTICLE XIV. CONTRACTOR REGISTRATION

(Supp. No. 31)

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Sec. 8-75. Required.

Contractor registration. Prior to the issuance of any permit the building official shall verify that all required contractors, as listed herein, have a current registration with the city. Registration is valid for one full year after registration date. No renewal notice will be sent.

- (a) *Contractor registration required.*
 - (1) *Issuance of permits.* Contractors shall not be eligible to receive a permit within the city unless they are registered with the city. Backflow testers shall not be eligible to approve test reports for backflow devices unless they are registered with the city.
 - (2) *Registration requirements.* Contractors must submit the following required information to the city prior to receiving a registration permit:
 - a. A completed contractor registration application supplied by the city.
 - b. A valid license issued by the State of Texas when required.
 - e. Verification of insurance.
 - f. Registration fee: See Chapter 11 Fee Schedules.
- (b) *Suspension of registration.* Any permit issued to a contractor whom has their registration suspended shall be suspended as well. Nor will a contractor be allowed to continue any work related to any permits once their registration is suspended. Any contractor's registration may be suspended by the building official for any of the following reasons:
 - (1) The contractor fails to request and obtain a final inspection prior to the expiration of the permit; or
 - (2) The contractor allows use or occupancy of the structure for which a permit was obtained without first obtaining the required authorization from the city; or
 - (3) The contractor has been found by the building official, in his sole discretion, to have been grossly negligent in the performance of his work; or
 - (4) The contractor has, as solely determined by the building official, jeopardized the safety of the general public, or those at the construction site by actions or inactions of the company; or
 - (5) The contractor has a history of violating ordinances related to building, mechanical, electrical or plumbing safety; or
 - (6) A license that is a requirement to register as a particular contractor has expired, been suspended or revoked; or
 - (7) The contractor has submitted any false or misleading information to the city in the registration process.
- (c) *Appeal of suspension by building official.* Any contractor whose registration has been suspended may appeal the action to the city manager. In the case of an appeal to the city manager, the action of the building official shall stand until the final determination of the appeal is made by the building and standards commission. The appeal must be in writing and filed with the city manager within ten (10) business days of the suspension of the contractor's registration. After hearing the case, the city manager may take the following action:
 - (1) Affirm the suspension; or
 - (2) Overrule the suspension and reinstate the registration of the contractor; or

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- (3) Affirm the suspension, but waive any or all of the reinstatement requirements set forth in subsection (d) below; or
 - (4) Affirm the suspension and require conditions for reinstatement in addition to those set forth in subsection (d) below, including, but not limited to, prohibiting reinstatement for up to six (6) months.
- (d) *Reinstatement of registration.* A contractor whose registration has been suspended may reapply for registration if:
- (1) All circumstances leading to the suspension have been corrected;
 - (2) The contractor reapplies for registration in accordance with this section;
 - (3) The registration fee is paid; and
 - (4) Any additional conditions set by the building and standards commission pursuant to subsection (c)(4) above, have been met.
- (Ord. No. 3074, 1-7-19)

Secs. 8-76-8-79. Reserved.

ARTICLE XV. VACANT STRUCTURE REGULATIONS IN DESIGNATED AREAS

Sec. 8-80. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City means the City of Waxahachie, Texas.

City manager refers to the city manager for the City of Waxahachie, Texas, and his/her designees.

Lawful activity means the use/occupancy of a building that is lawfully authorized by a certificate of occupancy issued by the city's building and community services department.

Owner means any person, agent, firm, partnership or corporation having a legal interest in the property or legal right of possession, or been given a legal power of attorney to act on behalf of such person.

Person shall mean any person, firm, partnership, corporation, or other legal entity that is hired, employed, or used by an owner.

Secured means that all accessible means of ingress and egress to the vacant structure including, but not limited to, all exterior doorways and windows, are locked so as to prevent unauthorized entry into the structure.

Structure means that which is built or constructed, and includes an enclosed building, open building, and partially open building.

Temporarily secured means that all accessible means of ingress and egress to the vacant structure including, but not limited to, all exterior doorways and windows, are covered with plywood or other suitable materials which has been nailed or bolted in place to prevent unauthorized entry.

Unoccupied means not being used for a lawful occupancy.

Vacant structure means a commercial structure that is unoccupied and/or that all lawful activity has ceased, or reasonably appears to have ceased, for at least sixty (60) or more consecutive calendar days. This provision excludes seasonal businesses which use has not ceased for a period exceeding three hundred sixty-five (365) days.

(Ord. No. 3379 , § 2, 6-19-23)

Sec. 8-81. Purpose, applicability and administration.

- (a) The city council finds and declares that:
 - (1) Commercial structures that are vacant and unsecured and/or not properly maintained attract trespassers such as vagrants, criminals and other non-invitees as prime locations to conduct illegal criminal activities or otherwise commit mischievous acts.
 - (2) Commercial structures that are vacant and unsecured and/or not properly maintained are vulnerable to being set on fire by unauthorized persons.
 - (3) Commercial structures that are vacant and unsecured and/or not properly maintained are a blight and cause deterioration and instability in neighboring properties and surrounding areas.
 - (4) Commercial structures that are vacant and unsecured and/or not properly maintained pose serious threats to the public's health and safety.
 - (5) Abatement and rehabilitation of commercial structures that are vacant and unsecured and/or not properly maintained are necessary.
 - (6) Commercial structures that are vacant and unsecured and/or not properly maintained are declared to be public nuisances.
 - (7) The purpose of this article is to protect the public health, safety, and welfare of the city, its residents and its visitors.
- (b) This article shall apply to all vacant structures, as defined herein, which are now in existence or which may hereafter be constructed or converted from other uses and which are within the city's downtown historic overlay district.
- (c) The city manager or his/her designee is authorized to administer and enforce the provisions of this article and to make all necessary inspections, to issue citations, to give notice, to file applicable charges and to otherwise cooperate in the enforcement of this article.
- (d) The city manager or his/her designee shall have the authority to render interpretations of this article and to adopt policies and procedures to clarify the application of its provisions, and may, at his/her sole discretion, enter into an agreement with a registered property owner to obtain compliance with this article by a date certain.

(Ord. No. 3379 , § 2, 6-19-23)

Sec. 8-82. Registration required.

- (a) Upon vacancy of a structure, or if vacant at the time of adoption of this article, a property owner shall within one hundred twenty (120) days register as provided by this article. The city may issue a written notice of vacancy which shall be issued to the vacant structure property owner by means of personal service, or by first class mail to their last known address according to the county appraisal district records, and by posting on the property.

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- (b) Upon the issuance of notice of vacancy, property owners within one hundred twenty (120) days shall register with the city and provide the following information verified under oath and on a form prescribed by the city:
- (1) The address and legal description of the property;
 - (2) The current name, physical address, mailing address, driver's license, telephone number, and email information for any owner(s) with an ownership interest in the property, all known lienholders and all other parties with an ownership interest in the property. Corporations or corporate entities shall submit the same information pertaining to their registered agent.
 - (3) The contact information for a property manager of the properties and/or improvements located on said property, as applicable, and whether the property manager has the authority to independently act on the owner's behalf to repair or maintain the property.
 - (4) Proof of liability insurance of not less than two hundred fifty thousand dollars (\$250,000.00) for the property and/or a surety bond for the value of the structure if insurance cannot be obtained. Said value shall be the appraised value as determined by the Ellis Central Appraisal District.
 - (5) Provide a detailed timeline and plan for correcting violations, rehabilitation, and maintenance while vacant regarding a standard of care pursuant to this article. If the owner does not intend to occupy the structure in the future, the owner must, at a minimum, demonstrate the property is actively marketed for-sale, or for-lease, and install a for-lease or for-sale sign on the premises with current contact information. The timeline and plan required by this section shall include the following for all vacant structures:
 - a. The period of time the structure is expected to remain vacant;
 - b. If the owner plans to return the structure to a lawful occupancy and use, the estimated date for returning the structure to a lawful occupancy and use;
 - c. If the owner proposes to rehabilitate or renovate the structure, the date the structure rehabilitation or renovation is scheduled to commence and be completed;
 - d. If the owner proposes to retain the structure, the measures that will be taken to try to reduce any adverse impact on the property values of adjacent property from the retention of the vacant structure;
 - e. A plan for regular maintenance of the structure during the period of vacancy with certification that the structure is compliant with all applicable codes;
 - f. Measures the owner will employ to secure the structure, which may include one (1) or more of the following methods:
 1. Installation and maintenance of adequate windows and doors together with locks designed to secure the structure;
 2. Installation and maintenance of security shutters, grills, and bars for windows and doors;
 3. Installation, operation, and monitoring of an electronic security system, which monitors windows and doors by glass breakage or motion sensors, and a method of responding to alarms from the electronic security system, other than sole reliance on the city's police department;
 4. Installation of boards on windows and doors pursuant to this article for temporarily secured structures, which temporary secured status shall not exceed thirty (30) days; and/or
 5. Any other method approved by the city manager or his/her designee.

- g. Measures the owner will employ to monitor and inspect the property on a weekly basis, which monitoring and inspection must be performed by the owner, property manager, or an agent of the owner with full authority to maintain and make repairs to the property on a weekly basis;
 - h. Any reasonably related additional information required by the city manager or his/her designee.
- (6) Vacant structure property owners shall provide written notice to the city manager or his/her designee, including a copy of the deed or instrument of conveyance, of any change in:
- a. Ownership of the property;
 - b. Contact information for either the owner or designated property manager. Written notice must be provided to the city no later than thirty (30) days after said changes have occurred.
- (c) The registration submitted by the owner must be complete and sufficient to be approved by city manager or his/her designee.
- (d) Registration is valid for one (1) year from the date the registration is approved by the city manager or his/her designee, unless the ownership of the property changes.
- (e) The owner of a registered vacant structure shall be required to disclose to any buyer that the property is under registration with the city as a vacant structure. The owner shall also disclose the requirement for the buyer to advise the city manager or his/her designee of the requirements of this article within ninety (90) days of closing.
- (f) If a change other than described in (e) of this section occurs during the period the registration is otherwise valid, the owner shall be required to update the registration with the city manager or his/her designee within thirty (30) days of the change.
- (g) Continued annual registration of the property by the vacant structure property owner is required until said structure is deemed occupied and in compliance with all relevant code requirements by the city manager or his/her designee.
- (h) If the owner disputes the city manager or his/her designee's determination that the structure should be classified as a vacant structure under this article, the owner shall file a written notice of appeal with the city manager or his/her designee within ten (10) days from receipt of the notice provided in this article. The appeal shall be verified under oath and shall be on a form prescribed by the city. The city manager and his/her designee shall schedule a hearing before the city council to determine whether the structure should be classified as a vacant structure under this article.
- (i) The city manager and his/her designee shall revoke any registration for which the owner has failed to comply with the timetables specified in the registration form pursuant to this article. Should a registration be revoked, the owner of the unregistered vacant structure shall have seven (7) days from the date of the notice of the revocation to file a new registration with the city manager or his/her designee and pay a new registration fee.

(Ord. No. 3379 , § 2, 6-19-23)

Sec. 8-83. Property manager or agent.

- (a) Vacant structure property owners must designate a local manager for said properties and include the relevant contact information for the designated manager upon registering the property with the city. The property manager shall serve as agent for the property owner for purposes of accepting legal service; however, the vacant property owner remains personally liable in criminal prosecutions for code violations.
- (b) The property manager or agent must be available at the number listed at all times in the event of an emergency or catastrophe.

(Ord. No. 3379 , § 2, 6-19-23)

Sec. 8-84. Standard of care for vacant property and inspections.

- (a) The standard of care shall follow the appropriate city codes including, but not limited to, the following:
- (1) *Protective treatment:* All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained weather tight and in such condition to prevent the entry of rodents and other pests. All exposed wood or metal surfaces subject to rust or corrosion, other than decay resistant woods or surfaces designed for stabilization by oxidation shall be protected from the elements and against decay or rust by periodic application of weather coating materials such as paint or similar surface treatment. All surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. All siding, cladding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight.
 - (2) *Premises identification:* The property shall have address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four (4) inches high with a minimum stroke width of one-half (½) inch. All buildings shall display a vacant building identification placard as required by the city manager.
 - (3) *Structure:* All structural members and foundation shall be maintained free from deterioration and shall be capable of safely supporting the imposed loads.
 - (4) *Exterior walls:* All exterior walls shall be free from holes, breaks, loose or rotting materials, and graffiti.
 - (5) *Roof and drainage:* The roof and flashing shall not have defects that admit rain. Roof drainage shall be adequate to prevent accumulation, dampness or deterioration. Roof drains, gutters and downspouts shall be free from obstructions and operational.
 - (6) *Decorative features:* All cornices, belt courses, corbels, applications, wall facings and similar decorative features shall be maintained with proper anchorage and in a safe condition.
 - (7) *Overhang extensions and awnings:* All overhang extensions including, but not limited to canopies, marquees, signs, awnings, and fire escapes shall be properly anchored and supported.
 - (8) *Stairways, decks, porches and balconies:* Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained with proper anchorage and capable of supporting the imposed loads.
 - (9) *Chimneys and towers:* All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally safe and sound.
 - (10) *Handrails and guards:* Every exterior handrail and guard shall be firmly fastened and capable of supporting normally imposed loads.
 - (11) *Window, skylight and door:* Every window, storefront, skylight and exterior door part, including but not limited to the frame, the trim, window screens and hardware shall be kept in sound condition. All broken or missing windows shall be replaced with glass and secured in a manner to prevent unauthorized entry. All broken or missing doors shall be replaced with new doors which shall be secured to prevent unauthorized entry. Locks at all exterior doors, exterior attic access, windows, or exterior hatchways shall tightly secure the opening. Windows and doors shall not be secured by plywood or other similar means mounted on the exterior except as a temporary securing measure

(which shall not exceed thirty (30) days), and the same shall be removed within a period designated by the city manager.

- (12) Secure and maintain the property, both structure and grounds, against trespasser, including maintaining all windows and doors with locks, replacing all broken doors and windows, and securing any other openings into the structure that are readily accessible to trespassers. In the event that a window or windows cannot be maintained as required herein, the owner or property manager shall secure windows that are visible from any public right of way with rigid transparent material such as but not limited to clear Lexan type material. No opaque (typically plywood) boarding materials shall be used where visible from a public right of way.
 - (13) Weather protection of all exterior surfaces shall be maintained, including paint on exterior wood surfaces.
 - (14) Both interior and exterior areas of the property shall be kept free of accumulations of junk, trash, debris, combustible or other materials such as would constitute an unsafe, unsanitary or unsightly condition or appearance. The building shall not be utilized for storage.
 - (15) In all applicable respects, the condition, maintenance and appearance of vacant property shall be subject to the requirements of all applicable state and local ordinances, standards, regulations and abatement procedures currently in effect. This will include any applicable city issued permits and site plans in the replacement and repair of all elements of the exterior of the building and site.
 - (16) Owners of vacant structures shall remove all combustibles as defined by the International Fire Code, and shall comply with the most current version of the International Fire Code's provisions regarding vacant premises.
- (b) *Inspections.*
- (1) The city manager or his/her designee shall provide for the inspection of each registered vacant structure at the time of registration and thereafter not less than annually.
 - (2) In addition to the inspection referred to in subsection (1) above, if there is probable cause to believe that a code violation may be present in the vacant structure or on the premises where the vacant structure is located, the city manager or his/her designee shall provide for the inspection of the vacant building and/or property.
 - (3) All inspections shall be conducted to determine compliance with this article and all applicable codes.
 - (4) The results of the inspection shall be provided to the owner of the vacant building and the person designated by the owner to make response to any emergency or alleged violation related to the vacant structure.
 - (5) The city manager or his/her designee shall assess an inspection fee of seventy-five dollars (\$75.00) per inspector per hour for inspections of vacant structure against the owner of the vacant structure. This fee shall be charged annually for inspections associated with the registration and thereafter as inspections are warranted in accordance with this article.
- (c) All repairs shall be subject to approval for adequacy by the city manager or his/her designee. All required permits and final inspections prior to and/or following repairs shall be in accordance with applicable laws and rules.
- (d) All vacant buildings shall be maintained in a non-blighted condition, consistent with the requirements of this article. A vacant building in a blighted condition shall be deemed a public nuisance under the Code of Ordinances.
- (e) Failure to maintain the vacant property to the standard of care specified by the city is a violation of this article.

(f) Providing false information to the city is a violation of this article.

(Ord. No. 3379 , § 2, 6-19-23)

Sec. 8-85. Registration fees.

Vacant structure property owners shall tender an annual registration and inspection fee of two hundred fifty dollars (\$250.00) for each vacant property after the initial partial year of registration, for which no fee shall be due. Subsequent annual registration fees shall increase by fifty dollars (\$50.00) per year of registration above the fee from the previous year, and shall be due and postmarked no later than January 31 of each year. (For example, the fee in Year 1 for fees shall be two hundred fifty dollars (\$250.00), Year 2 shall be three hundred dollars (\$300.00) and Year 3 shall be three hundred fifty dollars (\$350.00).)

(Ord. No. 3379 , § 2, 6-19-23)

Sec. 8-86. Fee waivers.

- (a) All fee waivers must be applied for, using the forms provided, on an annual basis, and are subject to approval by the city manager or his/her designee. A fee waiver is only valid for twelve (12) months. If a fee waiver is approved, registration and full compliance with this article are otherwise required.
- (b) Qualifications for possible fee waivers:
 - (1) Property which has been devastated by a catastrophe such as fire or flood: The owner has thirty (30) days to register from the date of the disaster but may be exempt from the fees. This exemption is for the duration of one (1) year from the date of the catastrophe; thereafter all applicable fees are due.
 - (2) Representative(s) of a property owner who is deceased or is no longer legally competent must register the property and are otherwise subject to this article; the city manager on a one-time basis may waive the annual registration fee provided that the property is maintained in accordance with the requirements of this article.
 - (3) Where the owner of the property has obtained a building permit and is progressing in an expedient manner to prepare the premises for occupancy, the owner must register the property and is otherwise subject to this Article but may be exempt from the registration fees.
 - (4) The property owner of a property that has maintained the property to the standards of care required under this article, as well as all other applicable ordinances and laws, must register the property.

(Ord. No. 3379 , § 2, 6-19-23)

Sec. 8-87. Jurisdiction, enforcement and penalties.

- (a) Written notice of violation will precede the issuance of a criminal citation, in which the vacant property owner will be given a reasonable length of time, as determined by the city manager, to remedy the violation. Written notice shall be issued to the vacant structure property owner by means of personal service, or by first class mail to their last known address according to the county appraisal district records, and by posting on the property.
- (b) Failure to register with the city after written notice of vacancy to the vacant structure property owner, as is hereinafter specified, is a violation of this article.
- (c) In addition to the required fees, violation of this article is a Class C misdemeanor.

(28)

- (1) This is a strict liability offense in which no mental state is required.
 - (2) The fine for this offense may not exceed five hundred dollars (\$500.00) per day.
 - (3) Each day any violation of this article shall continue shall constitute a separate offense.
- (d) The provisions of this article are not exclusive. The remedies provided by this article are in addition to other procedures or remedies provided by law or equity. Nothing in this article may be deemed to abolish or impair existing authority or remedies of the city. Criminal prosecution may occur regardless of pursuit of civil or administrative remedies and vice versa.
- (Ord. No. 3379 , § 2, 6-19-23)

(29)

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF WAXAHACHIE AMENDING SECTION 12 (FIRE PROTECTION AND PREVENTION) OF THE CODE OF ORDINANCES, CITY OF WAXAHACHIE; ADOPTING THE INTERNATIONAL FIRE CODE 2021 WITH LOCAL AMENDMENTS AND SETTING AN EFFECTIVE DATE OF JUNE 1, 2024.

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

That Section 12 (Fire Protection and Prevention) of the Code of Ordinances, City of Waxahachie, is amended to read as follows, as attached as Exhibit A, which is made a part hereof.

PASSED, APPROVED AND ADOPTED on this 6th day of May, 2024.

Mayor

ATTEST:

City Secretary

Chapter 12 FIRE PROTECTION AND PREVENTION¹

ARTICLE I. IN GENERAL

Sec. 12-1. Arson reward—Established.

The city hereby offers a standing reward in the amount of five hundred dollars (\$500.00) for the arrest and conviction of any person found guilty of the crime of arson within the corporate limits of the city, same to be payable immediately after the final conviction of such person.

(Ord. No. 0738, § 1, 6-25-62; Ord. No. 1766, 12-21-92)

Sec. 12-2. Same—How offered.

Whenever the mayor shall be informed that any fire occurring in the city was of an incendiary origin, he shall call for a report on the same by the city fire marshal, and if the marshal shall report that such fire was caused by the commission of the crime of arson, it shall become the duty of the mayor to offer the reward provided by this chapter, which reward shall be in the form of a proclamation duly issued by the mayor under his official signature and attested by the seal of the city.

(Ord. No. 1766, 12-21-92)

Sec. 12-3. Same—Notice.

- (a) The city fire marshal is hereby directed to have prepared and posted an arson reward notice on placards eight (8) inches by twelve (12) inches in size showing the following reward notice:

ARSON REWARD

The City of Waxahachie, Texas, hereby offers the reward of five hundred dollars (\$500.00) for the arrest and conviction of any person or persons found guilty of committing the crime of arson within the corporate limits of the City of Waxahachie, Texas. This reward is a standing offer and shall be paid out of the general fund of the City of Waxahachie, Texas.

- (b) Such placards shall be placed in wooden frames under glass and shall be posted inside at least ten (10) different public buildings within the city, one (1) of which shall be the city hall, in accordance with the regulations of the state board of insurance.

¹Cross reference(s)—Building, Ch. 8; electricity, Ch. 11; housing, Ch. 16; mobile homes, Ch. 19; planning, zoning and development, Ch. 24; subdivisions, Ch. 29; zoning, App. A; subdivisions, App. C.

State law reference(s)—Home rule municipality, fire department, V.T.C.A., Local Government Code § 342.011; appointment of fire protection personnel, V.T.C.A., Government Code § 410.032; volunteer fire fighters and fire departments, V.T.C.A., Government Code § 419.071; state law does not preempt municipal authority to prohibit or regulate use of fireworks, V.T.C.A., Occupations Code § 2154.004.

(Ord. No. 0738, § 2, 6-25-62; Ord. No. 1766, 12-21-92)

Sec. 12-4. Same—Payment.

Upon information being given by any person causing the arrest and conviction of any person guilty of the specific crime of arson, and upon the final conviction of such person, the person giving such information shall be entitled to receive the reward offered by this chapter from the city.

(Ord. No. 1766, 12-21-92)

Sec. 12-5. Positions.

For classified positions under civil service in the fire department see section 2-35 of this Code of Ordinances.
Editor's note(s)—Due to duplication of provisions, § 12-5 has been relocated. See § 2-35 of this Code of Ordinances.

Secs. 12-6—12-14. Reserved.

ARTICLE II. FIRE MARSHAL²

Sec. 12-15. Office created.

The office of the fire marshal is hereby created in and for the city.
(Ord. No. 0561, § 1, 12-6-55; Ord. No. 1766, 12-21-92)

Sec. 12-16. Reserved.

Editor's note(s)—Ord. No. 1668, adopted Oct. 16, 1989, repealed § 12-16, which pertained to independency of fire marshal's office and derived from Ord. No. 0561, § 1, adopted Dec. 6, 1955.

Sec. 12-17. Appointment and responsibilities.

The office of fire marshal shall be filled through civil service procedures. The fire marshal shall be directly responsible to the chief of the fire department for the proper operation of the division and shall have immediate supervision over all activities of the fire prevention and arson divisions.

(Ord. No. 0561, § 1, 12-6-55; Ord. No. 1668, 10-16-89; Ord. No. 1766, 12-21-92)

Sec. 12-18. Qualifications.

The person appointed fire marshal shall be properly qualified for the duties of his office in accordance with recognized standards.

²Cross reference(s)—Administration, Ch. 2.

(Ord. No. 0561, § 1, 12-6-55; Ord. No. 1766, 12-21-92)

Sec. 12-19. Removal from office.

The person appointed as fire marshal shall be removed from office only for cause.

(Ord. No. 0561, § 1, 12-6-55; Ord. No. 1766, 12-21-92)

Sec. 12-20. Compensation.

The fire marshal shall receive a salary to be determined by the city council.

(Ord. No. 0561, § 1, 12-6-55; Ord. No. 1766, 12-21-92)

Sec. 12-21. Duty to investigate fires.

The fire marshal shall investigate the cause, origin and circumstances of fires occurring within this city by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of carelessness or design. Such investigation shall begin as soon as possible after the occurrence of such fire.

(Ord. No. 0561, § 2, 12-6-55; Ord. No. 1766, 12-21-92)

Sec. 12-22. Taking of testimony generally.

The fire marshal, when in his opinion further investigation is necessary, shall take or cause to be taken the testimony, on oath, of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter under investigation, and shall cause the same to be reduced to writing.

(Ord. No. 0561, § 3, 12-6-55; Ord. No. 1766, 12-21-92)

Sec. 12-23. Summon witnesses, obtain evidence, oaths.

The fire marshal shall have the power to summon witnesses before him to testify in relation to any matter which is by the provisions of this chapter a subject of inquiry and investigation, and may require the production of any book, paper or document deemed pertinent thereto. The fire marshal is hereby authorized and empowered to administer oaths and affirmations to any persons appearing as witnesses before him.

(Ord. No. 0561, § 4, 12-6-55; Ord. No. 1766, 12-21-92)

Sec. 12-24. Private investigations, separate witnesses.

All investigations held by or under the direction of the fire marshal may, in his discretion, be private, and persons other than those required to be present may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

(Ord. No. 0561, § 6, 12-6-55; Ord. No. 1766, 12-21-92)

Sec. 12-25. Duty when evidence indicates arson.

If the fire marshal shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or with the attempt to commit the crime of arson, or of conspiracy to defraud, or criminal conduct in connection with such fire, he shall cause such person to be lawfully arrested and charged with such offense or either of them, and shall furnish to the proper prosecuting attorney all such evidence, together with the names of witnesses and all of the information obtained by him, including a copy of all pertinent and material testimony taken in the case.

(Ord. No. 0561, § 3, 12-6-55; Ord. No. 1766, 12-21-92)

Sec. 12-26. Misconduct of witnesses.

Any witness who refuses to be sworn, or who refuses to appear or testify, or who disobeys any lawful order of the fire marshal, or who fails or refuses to produce any book, paper or document touching any matter under examination, or who is guilty of any contemptuous conduct during any of the proceedings of the fire marshal in the matter of such investigation or inquiry, after being summoned to give testimony in relation to any matter under investigation as aforesaid, shall be deemed guilty of a misdemeanor; and it shall be the duty of the fire marshal to cause all such offenders to be prosecuted.

(Ord. No. 0561, § 5, 12-6-55; Ord. No. 1766, 12-21-92)

Sec. 12-27. Right of entry.

The fire marshal shall have the authority at all times of day or night, when necessary, in the performance of the duties imposed upon him by the provisions of this article, to enter upon and examine any building or premises where any fire has occurred, and other buildings and premises adjoining or near the same, which authority shall be exercised only with reason and good discretion.

(Ord. No. 0561, § 7, 12-6-55; Ord. No. 1766, 12-21-92)

Sec. 12-28. Inspection of premises.

The fire marshal, upon complaint of any person having interest in any building or property adjacent and without any complaint, shall have the right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises within the city. It shall be his duty to enter upon and make or cause to be entered and made, a thorough examination of all mercantile, manufacturing and public buildings, together with the premises belonging thereto as needed.

(Ord. No. 0561, § 8, 12-6-55; Ord. No. 1766, 12-21-92; Ord. No. 1879, § 1, 9-16-96)

Sec. 12-29. Correction of dangerous conditions.

Whenever the fire marshal shall find a building or other structure which, for want of repair, or by reason of age or dilapidated condition, or for any cause is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein, and whenever he shall find an improper or dangerous arrangement of stoves, ranges, furnaces or other heating appliances of any kind whatsoever, including chimneys, flues and pipes with which the same may be connected, or a dangerous arrangement of lighting devices or systems, or a dangerous or unlawful storage of explosives, compounds, petroleum, gasoline, kerosene, dangerous chemicals, vegetable products, ashes or combustible, inflammable and

(Supp. No. 31)

refuse materials, or other conditions which may be dangerous in character or liable to cause or promote fire or create conditions dangerous to the firemen or occupants, he shall order the same to be removed or remedied, and such order shall be forthwith complied with by the owner or occupant of the building or premises; provided, however, that the owner or occupant deems himself aggrieved by such order, he may, within ten (10) days, appeal to the city manager, who shall investigate the cause of the complaint and unless by his authority the order is revoked, such order shall remain in force and be forthwith complied with by the owner or occupant.

(Ord. No. 0561, § 8, 12-6-55; Ord. No. 1766, 12-21-92)

Sec. 12-30. Record of fires.

The fire marshal shall keep a record of all fires occurring within the city, together with all facts, statistics and circumstances, including the origin of the fires and the amount of loss, which may be determined by the investigation required by this article.

(Ord. No. 0561, § 1, 12-6-55; Ord. No. 1766, 12-21-92)

Sec. 12-31. Reserved.

Editor's note(s)—Ordinance No. 1766, adopted Dec. 21, 1992, amended this chapter in part by deleting § 12-31 in its entirety. Formerly, § 12-31 pertained to monthly report and derived from § 8 of Ord. No. 0561, adopted Dec. 6, 1955.

Secs. 12-32—12-41. Reserved.

ARTICLE III. FIRE PREVENTION CODE

Sec. 12-42. Adoption.

- (a) The 2021 International Fire Code, is hereby adopted and incorporated as fully as if set out in full herein, and the provisions thereof shall be controlling within the corporate limits of the city. It is specifically provided that, as amendments are made by the issuers of said codes, they are effective thirty (30) days upon acceptance of said amendments by the city.
- (b) There is also adopted, as part of the 2021 International Fire Code, the following provisions:

Key Box/Haz-Mat Box/Quick Opening Device:

- (1) When access to or within a structure or an area is unduly difficult because of secured openings, or where immediate access is necessary for lifesaving or firefighting purposes, the fire chief may require a key box or quick opening device to be installed in an accessible location. The key box or quick opening device shall be a type approved by the fire code official or, if a key box is installed, it shall contain keys to gain necessary access as required by the fire chief.
- (2) Haz-mat boxes may be required when large quantities of hazardous material are stored or located at a structure.
- (3) The fire code official shall determine the location of the fire department connection for all sprinkler and/or standpipe systems.
- (4) Appendix D – Fire Apparatus Access Roads

(c) Amendments to 2021 International Fire Code.

- (1) *104.11.3 Systems and devices.* No person shall render a system or device inoperative during an emergency unless by direction of the fire chief or fire department official in charge of the incident. No person shall tamper with a manual or automatic fire alarm system or sprinkler system making them inoperable to respond to an emergency.
- (2) *505.1 Address numbers.* New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with the background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of six (6) inches (152.4 mm) high with a minimum stroke width of one-half (0.5) inch (12.7 mm). All new and existing buildings with a rear entrance shall have the building address or suite number installed upon the rear door, except residential.
- (3) *506.1.1.* An approved lock shall be installed on gates or similar barriers when required by the fire code official. All new electronic gates installed at a business or residential location shall have a Knox key box or Knox electronic key switch installed for fire department access approved by the fire code official.
- (4) *508.5.5 Clear space around hydrants.* A 5-foot clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved.
- (5) *902 Definition of fire area.* The aggregate floor area enclosed and bounded by fire walls, fire barriers, exterior walls or fire resistance-rated horizontal assemblies of a building.
- (6) *903.* An automatic sprinkler system shall be provided for group B occupancies where one of the following conditions exists:
 - a. The fire area exceeds six thousand (6,000) square feet or greater;
 - b. The fire area has an occupant load of three hundred (300) or more; or
 - c. The fire area is located on a floor other than the level of exit discharge.
- (7) *903 Automatic sprinkler systems.* Where the fire code addresses a fire area of six thousand (6,000) square feet or greater.
- (8) *903.3.6 Hose threads.* Fire hose threads and fittings used in connection with automatic sprinkler systems shall be as prescribed by the fire code official. All caps shall be metal breakaway or screw-in type approved by the fire code official.
- (9) *903.3.7 Fire department connections.* The location of fire department connections shall be approved by the fire code official. Any fire department connection that serves more than one occupancy shall have a sign placed over the top of the fire department connection stating the occupancies that are served by that connection. Stand-alone fire department connections shall have a six (6) inch piece of reflective tape applied to the FDC riser just below the fire department connection.
- (10) *905.3.1 Building height.* Class I manual dry standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than thirty (30) feet (9144 mm) above the lowest level of the fire department vehicle access, or where the floor level of the lowest story is located more than thirty (30) feet (9144 mm) below the highest level of fire department vehicle access.
- (11) *1103.5.1 Group A-2 Sprinkler Requirement* Removed.

(d) The edition of the International Fire Code presently adopted is the 2021 Edition, with North Central Texas Council of Government amendments to that date.

- (1) 202 High-Piled Combustible Storage - Option B Selected.

- (2) 202 High-Rise Building - Option B Selected.
- (3) 903.2.11, 903.2.11.3, 903.2.11.7, and 903.2.11.8 and 903.2.11.9 - Option B Selected.
- (4) 1103.5.1 Group A-2 Sprinkler Requirement Removed.

(Ord. No. 1636, 6-6-88; Ord. No. 1766, 12-21-92; Ord. No. 1879, § 2, 9-16-96; Ord. No. 2148, 10-21-02; Ord. No. 2386, Exh. A, 9-18-06; Ord. No. 3078, 1-7-19)

Charter reference(s)—Codes and technical regulations, § 2.16.

Sec. 12-42.1. Amendments to the 2021 International Fire Code.³

The International Fire Prevention Code is hereby amended as follows:

- (1) *Section 105, Board of adjustments and appeals* is deleted.
- (2) *Section 602.6* is amended so that fire lanes will be twenty-four (24) feet in width, instead of twenty (20) feet as otherwise provided.
- (3) All buildings in the fire limits (see section 8-1 Fire limits) with a forty (40) percent remodel or greater shall be equipped with an automatic fire detection system or automatic sprinkler system, determined by the chief building official and the fire code official.
 - a. The forty (40) percent rule refers to the square footage of the building remodeled.
 - b. All fire detection systems shall be monitored by an approved central station.
 - c. All new restaurants located in the fire limits regardless of percentage of remodel, size, or occupancy shall require an automatic fire alarm and a vent-a-hood suppression system.
- (4) Sections 3303.1 through 3303.4 is deleted.

(Ord. No. 1636, 6-6-88; Ord. No. 1766, 12-21-92; Ord. No. 1879, § 3, 9-16-96; Ord. No. 2620, 8-15-11; Ord. No. 3078, 1-7-19)

Sec. 12-43. Permit fees.

- (a) For a fees associated with all of the following permits see Chapter 11 Fee Schedules.
 - (1) Fire sprinklers systems.
 - (2) Fire alarms systems.
 - (3) Fire suppression systems.

(Ord. No. 3078, 1-7-19)

³Editor's note(s)—The sections listed as amended in subsections (1) and (2) of section 12-42.1 refer to sections of the Standard Fire Prevention Code. With Ord. No. 3078, adopted Jan. 7, 2019, the city adopted the 2018 International Fire Code.

Sec. 12-44. Mobile service units.

It shall be unlawful for any person to operate a mobile service unit for the dispensing of gasoline or similar flammable liquids at retail, for delivery directly to the fuel tanks of motor vehicles, within the city, including but not limited to the retail sale of gasoline from service trucks or mobile units for delivery to motor vehicles on private or public parking lots. This shall not be interpreted, however, to prevent operators of regular service stations from delivering small quantities of gasoline or similar flammable liquids for emergency service, such as to the vehicle of a customer whose automobile has run out of gasoline completely and cannot be operated.

(Ord. No. 1027, § 1, 8-26-71; Ord. No. 1766, 12-21-92)

Sec. 12-45. Conflicts.

In the event of any conflict between the provisions of the fire prevention code adopted by this article and the other provisions of this Code, state law or city ordinances, rules or regulations, the provisions of this Code, state law or city ordinances, rules or regulations shall prevail and be controlling.

(Ord. No. 1766, 12-21-92)

Sec. 12-46. Definitions.

Whenever the word "municipality" or the word "city" is used in the code adopted by this article, it shall be construed to mean the City of Waxahachie, Texas.

Whenever the term "corporate counsel" or "city attorney" is used in the code adopted by this article, it shall be construed to mean the city attorney of this city.

(Ord. No. 1766, 12-21-92)

Sec. 12-47. Penalty for violation.

Any person who shall violate any provision of the code adopted by the provisions of this article shall be deemed guilty of a misdemeanor, and shall be punished as provided by section 1-12 of this Code. Each day such violation continues shall be deemed a separate offense.

(Ord. No. 1766, 12-21-92)

Sec. 12-48. Establishment and duties of bureau of fire prevention.

- (a) The fire prevention code shall be enforced by the fire marshal which [position] is hereby established and which [position] shall be operated under the supervision of the chief of the fire department.
- (b) The fire marshal shall be in charge of the bureau of fire prevention and is appointed by the city manager on the basis of examination to determine his qualifications.
- (c) Reserved.
- (d) A report of the bureau of fire prevention shall be made annually and transmitted to the fire chief monthly; it shall contain all proceedings under this Code, with such statistics as the chief of the fire department may wish to include therein.

(Ord. No. 1688, 10-16-89; Ord. No. 1766, 12-21-92)

Secs. 12-49—12-53. Reserved.

Editor's note(s)—Ord. No. 1636, subsections (b)—(f), adopted June 6, 1988, amended this Code by deleting §§ 12-49—12-53 which established the following respectively: districts where storage of explosives and blasting agents prohibited; limits in which storage of liquefied petroleum gases restricted; routes for transporting explosives and blasting agents; routes for transporting hazardous chemicals or other dangerous articles; and fire lanes on private property devoted to public use. With the exception of § 12-50, which derived from Ord. No. 0239, § 1, adopted May 7, 1940, the deleted sections contained no historical notation and are presumed to be derived from the ordinance adopting this Code.

Sec. 12-54. Modifications.

The fire chief shall have power to modify any of the provisions of the fire prevention code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such modification when granted or allowed and the decision of the fire chief thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

(Ord. No. 1766, 12-21-92)

Sec. 12-55. Appeals.

Whenever the fire chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the fire chief to the city council within thirty (30) days from the date of the decision appealed.

(Ord. No. 1766, 12-21-92)

Sec. 12-56. New materials, processes or occupancies which may require permits.

The city manager, the chief of the fire department and the fire marshal shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in the code. The fire marshal shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

(Ord. No. 1766, 12-21-92)

Sec. 12-57. Abatement of hazardous material spills and cost recovery.

- (a) The fire chief shall have the authority to order the clean-up of leaking or spilled substances that are considered hazardous to the health and safety of the public.
- (b) The actual cost of abatement of a hazardous material leak or spill may be recovered from the responsible party; including damage to equipment and/or the environment; operational costs including use of city-owned equipment, additional storage cost; and administrative cost.

(Ord. No. 2035, § 1, 6-5-00)

(Supp. No. 31)

Secs. 12-58—12-70. Reserved.

ARTICLE IV. OPEN BURNING

Sec. 12-71. Adoption of Texas Administrative Code.

The City of Waxahachie hereby adopts the outdoor burning rules as outlined in Title 30 of the Texas Administration Code, Sections 111.201—111.211. If a conflict occurs between Title 30 of the Texas Administrative Code, 111.201—111.221 and this article, the stricter of the two codes shall prevail.

(Ord. No. 2424, § 1, 8-20-07)

Sec. 12-72. General prohibition.

No person may cause, suffer, allow, or permit any outdoor burning within the city limits of the City of Waxahachie, except as provided by this article. The burning of household trash, garbage of any form, or municipal solid waste is prohibited within the city limits. It shall also be unlawful for any person to light or have lighted any fire in any street, alley, thoroughfare or public property. Outdoor disposal or disposition of any material capable of igniting spontaneously, with the exception of the storage of fossil fuels, shall not be allowed. No furniture, construction/demolition materials, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, and item containing natural or synthetic rubber shall be burned.

(Ord. No. 2424, § 2, 8-20-07)

Sec. 12-73. Exceptions to article.

- (a) *Fire training:* Outdoor burning shall be authorized for training of firefighting personnel when requested in writing and authorized by the city fire marshal's office. The burning shall be authorized if notice of denial is not received within ten (10) working days after the date of postmark or date personal delivery of the request.
- (b) *Domestic outdoor fire:* Fires are allowed out-of-doors for cooking or warmth provided such a fire is built in a fireproof container, such as a bar-b-que pit chimenea, made of brick, stone, metal, or other fireproof material in such a manner to prevent said fire from escaping. Domestic outdoor fires do not require a burn permit.
- (c) *Land clearing:* Special permission may be obtained for the burning of vegetation in the clearing of land. See section 12-74 below for obtaining permission to burn.

(Ord. No. 2424, § 3, 8-20-07)

Sec. 12-74. Requirements for authorization.

- (a) Application for a "permit to burn" shall be made to the fire marshal in writing or in person by the owner, operator, or other person in control of the property upon which the burning is to occur. Application is to indicate the permitted address, applicants name, address, telephone number and valid driver's license or identification number.
- (b) The permit is effective for thirty (30) days from the date of issuance.

(Supp. No. 31)

- (c) Requestor must obtain final approval to burn from the City of Waxahachie Fire Marshal's office immediately prior to the start of burning to ensure that weather conditions will be conducive to the type of burning.
 - (d) Permit is automatically voided if the Waxahachie Fire Marshal's office considers the conditions unsafe.
- (Ord. No. 2424, § 4, 8-20-07)

Sec. 12-75. Fee for permit.

The fee for a "permit to burn" shall be paid before the permit is issued. The fee for the said permit shall be fifty dollars (\$50.00).

(Ord. No. 2424, § 5, 8-20-07)

Sec. 12-76. General requirements for burning.

- (a) Requester must contact the Waxahachie Fire Marshal's office prior to burning. The fire marshal, or his designee, shall inspect the burn site and materials to ensure that no prohibited materials are included and that general requirements are being followed.
- (b) Burning is permitted only when the wind direction and other meteorological conditions are such that the smoke and other pollutants will not present a hazard to any public road or have an effect on any building structure.
- (c) If at any time the burning causes or may tend to cause smoke to blow onto or across a street, roadway, or highway, it is the responsibility of the person initiating the burn to post flag persons on the affected roads.
- (d) Fires must be kept downwind of, or at least three hundred (300) feet away, from any neighboring structure.
- (e) Burning shall not commence when the surface wind speed is predicted to be less than six (6) miles per hour (six (6) mph or five (5) knots) or greater than twenty-three (23) miles per hour (twenty-three (23) mph or twenty (20) knots) during the burn period.
- (f) Burning shall not be conducted during periods of actual or predicted persistent low level atmospheric temperature inversions.
- (g) Burning may begin no earlier than one (1) hour after sunrise and must end the same day no later than one (1) hour before sunset.
- (h) A responsible party must be present while the burn is active. Such persons shall have a water hose connected to a reliable water supply or have other fire extinguishing equipment readily available for use.
- (i) Any residual fires and/or smoldering objects that continue to emit smoke must be extinguished at the end of the burn.
- (j) Only brush/vegetation generated and gathered from the burn site area will be permitted. There shall be no importation of brush from any other properties for the purpose of burning.

(Ord. No. 2424, § 6, 8-20-07)

Sec. 12-77. Parallel requirements.

The authority to conduct outdoor burning under this article does not exempt or excuse the requestor from complying with all other applicable laws and ordinances, regulations, and orders of any governmental entity having jurisdiction, even though the burning is otherwise conducted in compliance with this article.

(29)

(Ord. No. 2424, § 7, 8-20-07)

Sec. 12-78. Remedies.

Violators of this article shall be issued a citation and upon conviction for such violation shall be punished by a penalty of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00).

(Ord. No. 2424, § 9, 8-20-07)

(Supp. No. 31)

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