CITY OF INGLESIDE
REGULAR CITY COUNCIL MEETING
AGENDA
DECEMBER 12, 2023
6:30 PM

Notice is hereby given that the Ingleside City Council will hold a Regular City Council Meeting on December 12, 2023, at 6:30 PM. The Meeting will be held in person at City Hall, 2671 San Angelo Street, Ingleside, Texas. Members of the public can view the meeting via live stream at https://inglesidetx.gov/.

With respect to any subject matter set forth below, the City Council may take action, unless otherwise expressly indicated with respect to any particular subject matter.

Opening Agenda

1. Call Meeting to Order.

2. Roll Call.

3. Invocation.

4. Pledge of Allegiance.

5. Citizen Comments and Reports.
Persons wishing to address the Council and who have registered using the Citizen Participation Form will have up to three minutes to speak. In accordance with the Open Meetings Act, Council may not discuss or take action on any item that has not been posted on the agenda. While civil public criticism is not prohibited; disorderly conduct or disturbance of the peace as prohibited by law shall be cause for the chair to terminate the offender's time to speak.

6. Staff Comments and Reports.
The Council may discuss any subject which is specifically listed under this item.

a. City of Ingleside expenditures paid over $3,000.00 for the period of October 16, 2023 through November 30, 2023.

b. City of Ingleside monthly financials as of October 31, 2023.

c. Regulation of Non-Conventional Structures.

d. Report of various event flags as previously requested by the Council.

e. Animal Shelter Project Update.

f. A report to City Council on the use of Brownfield Lands.

7. Council Comments and Reports.

The Council may discuss any subject which is specifically listed under this item.

No Council Comments and Reports presented for this agenda.

Presentations

8. Proclamation to recognize Alberto Lopez's Retirement.

9. Presentation by James Doty on Potential Air Impacts of Future Industrial Expansion in the Ingleside, Texas Area.

10. Presentation for an Update on the Port of Corpus Christi by Kent Britton, Chief Executive Officer.

Consent Agenda

All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of the items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

11. Deliberate and take appropriate action on the second and final reading of an Ordinance amending Chapter 18 - Buildings and Building Regulations, Article I – In General, Article II – Construction Standards, Article III- Plumbing Standards, Article IV – Gas Standards, Article V – Mechanical Standards, Article VI – Electrical, Article VII – International Property Maintenance Code, Article VIII – Unsafe Buildings, Article IX - Swimming Pools, Article X – Floodplain Management, Article XI – Fences, Article XII – Building Numbering, Article XIII – Industrial Housing And Buildings And Article XIV – Wind Energy Conversion Systems, Ingleside Code of Ordinances and further providing for effective date, reading, severance, and publication.

12. Deliberate and take appropriate action on the second and final reading of an Ordinance amending Chapter 34 - Fire Prevention and Protection, Ingleside Code of Ordinances and further providing for effective date, reading, severance, and publication.

13. Deliberate and take apporiate action on the second and final reading of an Ordinance amending Chapter 78 – Zoning, Article I – In General, Article II – Administration, Article III – Nonconforming Uses and Buildings, Article IV – District Regulations, Article V – Supplementary District Regulations, and Article VI - Miscellaneous, Ingleside Code of Ordinances and further providing for effective date, reading, severance, and publication.

14. Deliberate and take appropriate action on the second and final reading of an Ordinance amending Chapter 54 – Subdivisions, Article 1 – In General, Article II – Administration, Article III – Plats, Article IV – Design Standards, Article V – Improvements, and Article VI – Model Subdivision Rules, Ingleside Code of Ordinances and further providing for effective date, reading, severance, and publication.

15. Deliberate and take appropriate action to accept a donation in the amount of $7,500 from the Enbridge Corporate Citizenship Grant and $1,000 from an Ingleside Citizen for community safety or community beautification and supplies for animals for Animal Control.

16. Deliberate and take appropriate action to accept a donation in the amount of $8,500 from Flint Hills Resources for the Ingleside Volunteer Fire Department for RIT packs.

17. Deliberate and take appropriate action to accept a donation in the amount of $17,435 from OxyChem for the Ingleside Volunteer Fire Department for 3 MSA Multi-Gas Meters, 1 MSA RIT packs, and 5 MSA 4500 PSI Quick Connect Bottles.

18. Deliberate and take appropriate action to accept a donation in the amount of $7,500 from Enbridge Ingleside Oil Pipeline, LLC, for the Ingleside Volunteer Fire Department for 7 SCBA bottles.

19. Deliberate and take appropriate action to accept a donation in the amount of $2,500 for Light Up Live Oak supplies and $500 for Veteran's Day flags from OxyChem and $1,200 from various Ingleside businesses and citizens for Blue Santa gifts.

20. Deliberate and take appropriate action on first and only reading of an Ordinance amending the Fiscal Year 2023-2024 Budget for the City of Ingleside, Texas, for the General Fund for appropriation of the donation funds received from various businesses for the purchase of Veteran's Day flags, Light Up Live Oak Event supplies, Blue Santa gifts, Animal Control supplies for animals and community beautification or community safety, and Volunteer Fire supplies and equipment.

21. Deliberate and take appropriate action on the Regular Meeting Minutes of November 14, 2023 and Special Council Meeting Minutes of November 27, 2023.

Executive Session

22. Closed Session
City Council will meet in Closed Session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in:

A. Section 551.087 Deliberation regarding Economic Development Negotiations – Update on ongoing industry and retail negotiations.

23. Open Session
City Council will reconvene in Open Session at which time action on the matter(s) discussed in Closed Session may be considered.

A. Section 551.087 Deliberation regarding Economic Development Negotiations – Update on ongoing industry and retail negotiations.

Public Hearing

Regular Agenda

24. Deliberate and take appropriate action on a Resolution of the City Council of the City of

Ingleside, San Patricio County, Texas, confirming the appointment of Officers to the Ingleside Volunteer Fire Department.

25. Deliberate and take appropriate action on a Resolution changing the sewer base and volume rates for Ingleside on the Bay as contained in Appendix "A" fee schedule of the Ingleside Code of Ordinances.

26. Deliberate and take appropriate action on a Resolution of the City Council of the City of Ingleside, Texas requesting the addressing of illumination of areas of State Highway 361 and creating an alternate mode of transportation for areas of State Highway 361.

27. Deliberate and take appropriate action on a Resolution of the City Council of the City of Ingleside, Texas declaring an emergency for needed repairs on the Fire Department facility, ratifying actions to repair the Fire Department facility, and providing an effective date.

28. Deliberate and take appropriate action on a Resolution of the City Council of the City of Ingleside, Texas declaring an emergency for needed repairs on the City Hall Annex, ratifying actions to repair the City Hall Annex, and providing an effective date.

29. Deliberate and take appropriate action on a Resolution of the City Council of the City of Ingleside, Texas declaring an emergency for needed repairs on the City Hall Complex, ratifying actions to repair the City Hall Complex, and providing an effective date.

30. Deliberate and take appropriate action to award the bid for the construction of the Kenny Lane A to Z Project.

31. Announcements of Community Interest and/or upcoming events.

a. Announcement

32. Items to consider for placement on future agendas.

33. Adjourn.

Special Accommodations

This facility is wheelchair accessible and there are special parking spaces near the main entrance. Request for accommodations or special services must be made 48 hours prior to this meeting. Please contact City Secretary's Office at (361) 776-2517 or Fax (361) 776-1027 or email citycouncilquestions@inglesidetx.gov for further information.

With respect to any subject matter set forth, the City Council may meet in Closed Executive Session, if and to the extent allowed by Chapter 551 of the Texas Government Code, including, but not limited to, any of the following sections of Chapter 551: Section 551.071 Consultations with Attorney, Section 551.072 Deliberation about Real Property, Section 551.073 Deliberation regarding Prospective Gift, Section 551.074 Personnel Matters, Section 551.087 Deliberation regarding Economic Development Negotiations, and Section 551.089 Deliberation regarding Security Devices Or Security Audits.

Certification

I, Ruby Beaven, certify that the above notice of this Regular Meeting of the City Council was posted at the City Hall bulletin board at 2671 San Angelo Street, Ingleside, Texas on the 8th Day of December by 3:00 p.m.

Ruby Beaven, City Secretary

This public notice was removed from the official posting board at the Ingleside City Hall on the following:

Date: _____ Time: _____

By: _____
City Secretary's Office
City of Ingleside, Texas

CITY COUNCIL AGENDA
Regular Meeting: December 12, 2023

AGENDA ITEM: 6.a

City of Ingleside expenditures paid over $3,000.00 for the period of October 16, 2023 through November 30, 2023.

SUBMITTED BY: Caron Vela, Director of Finance

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

Purchases are in compliance with the purchase policy. Purchase orders have been approved by officials.

FISCAL ANALYSIS:

City of Ingleside expenditures paid over $3,000.00 for the period of October 16, 2023 through November 30, 2023. Total A/P Check Amount: $5,086,432.07.

RECOMMENDATION:

Information only.

ATTACHMENTS:
1. AP OVER $3K DETAIL

ATTACHMENTS:

1. AP OVER $3K DETAIL 11-2023

VENDOR SET: 01 Ingleside
BANK: PCOP POOLED CASH - OPERATING
DATE RANGE:10/16/2023 THRU 11/30/2023

VENDOR	I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00010		IRS							
	I-T1 202310185251	FIT W/H	D	10/20/2023	17,457.39		000448		
	I-T3 202310185251	FICA W/H	D	10/20/2023	25,557.58		000448		
	I-T4 202310185251	MEDICARE W/H	D	10/20/2023	5,977.18		000448		48,992.15
00325		CARD SERVICE CENTER							
	I-20230928 0744	MISC CREDIT CARD CHARGES	D	10/20/2023	21,618.48		000452		21,618.48
03562		HYDROPRO SOLUTIONS, LLC							
	I-IN101079	MASTER METERS	D	10/27/2023	1,080,920.92		000453		
	I-IN101168	MASTER METERS	D	10/27/2023	73,892.35		000453		
	I-IN101229	MASTER METERS	D	10/27/2023	67,500.00		000453		1,222,313.27
00010		IRS							
	I-T1 202311015253	FIT W/H	D	11/03/2023	16,852.78		000454		
	I-T3 202311015253	FICA W/H	D	11/03/2023	25,231.72		000454		
	I-T4 202311015253	MEDICARE W/H	D	11/03/2023	5,900.96		000454		47,985.46
00159		TML INTERGOVERNMENT							
	I-PINGLES02311	TML HEALTH INSURANCE NOV 23	D	11/01/2023	115,903.87		000457		115,903.87
00011		TEXAS MUNICIPAL RETIREMENT SYS							
	I-643 TMRS OCT 23	TMRS OCT 23 EMPLOYER EXP	D	11/13/2023	34,558.40		000458		
	I-643 TMRS OCT 23-2	TMRS OCT 23 EMPLOYEE	D	11/13/2023	20,718.46		000458		55,276.86
00010		IRS							
	I-T1 202311155258	FIT W/H	D	11/17/2023	18,226.84		000459		
	I-T3 202311155258	FICA W/H	D	11/17/2023	26,278.06		000459		
	I-T4 202311155258	MEDICARE W/H	D	11/17/2023	6,145.70		000459		50,650.60
00325		CARD SERVICE CENTER							
	I-20231029 0744	MISC CREDIT CARD CHARGES	D	11/20/2023	2,540.47		000462		
	I-20231029 0744 A	MISC CREDIT CARD CHARGES	D	11/20/2023	23,155.87		000462		25,696.34
05403		CIVICPLUS, LLC							
	I-278255	CIVICPLUS	R	10/20/2023	4,288.20		076483		4,288.20
05521		DELAURO, GENE							
	I-20231013	LABOR & MILEAGE WE 10132023	R	10/20/2023	3,448.02		076486		3,448.02
01999		GRANT WORKS							
	I-003	ENVIRONMENTAL REVIEW	R	10/20/2023	38,591.00		076492		38,591.00

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04295		HANSON PROFESSIONAL SERVICES,							
	I-ARIV1000	19L0026W 2020 BOND PROGRA	R	10/20/2023	12,127.68		076495		
	I-ARIV1000992	19L0228 WW TREATMENT	R	10/20/2023	193,500.00		076495		
	I-ARIV1000993	21L0202 HULTGREEN IMPROV	R	10/20/2023	7,750.00		076495		
	I-ARIV1000995	18L0321 STORMWATER	R	10/20/2023	4,406.95		076495		217,784.63
05707		LAR SERVICE,LLC							
	I-5346	SKIDSTEER REPAIR #662	R	10/20/2023	15,523.05		076499		15,523.05
04747		OSTARCH HILMY & MCCAULEY, PLLC							
	I-194	MISC CHARGES SEPT 23	R	10/20/2023	4,860.00		076508		4,860.00
01415		POSITIVE PROMOTIONS, INC.							
	I-07243620	EVENT SUPPLIES	R	10/20/2023	4,089.05		076509		4,089.05
05483		PROGRESSIVE COMMERCIAL AQUATIC							
	I-IA10140	ACIDRITE - POOL CHEMICALS	R	10/20/2023	3,995.00		076510		3,995.00
00034		REPUBLIC SERVICES, INC.							
	I-0847-001299242	GARBAGE BILL	R	10/20/2023	105,857.89		076513		105,857.89
00126		STATE COMPTROLLER							
	I-20230930	QUARTERLY STATE CRIMINAL	R	10/20/2023	87,730.72		076518		87,730.72
05481		SYSTEMSEVEN SERVICES, LLC							
	I-INV58932	PHONE / INTERNET / FAX OCT 23	R	10/20/2023	3,900.19		076521		3,900.19
00541		TEXAS MUNICIPAL LEAGUE - IRP							
	I-202310 8939	INSURANCE WC & LIABILITY	R	10/20/2023	53,111.27		076527		53,111.27
00008		TYLER TECHNOLOGIES, INC.							
	I-025-440560	INSITE TRANS FEES-UTILITY BILL	R	10/20/2023	3,005.00		076528		3,005.00
01217		UNION PACIFIC RAILROAD COMPANY							
	I-328425134	SENION CENTER LEASE	R	10/20/2023	3,582.16		076531		3,582.16
00286		UNIQUE EMPLOYMENT I LTD							
	I-27728	TEMPS	R	10/20/2023	6,108.75		076532		
	I-27774	TEMPS	R	10/20/2023	6,343.37		076532		12,452.12
00618		UTILITY DATA SYSTEMS OF TEXAS,							
	I-24438	ANNUAL SOFTWARE SUPPORT	R	10/20/2023	8,400.00		076534		8,400.00

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05744		VICTORIA COMMUNICATIONS SERVIC							
	I-8722	EXTENDED SERVICE PLAN	R	10/20/2023	5,030.00		076536		5,030.00
05733		WILLIAMS SCOTSMAN, INC.							
	I-9018725117	TRAILER RENTAL	R	10/20/2023	10,168.59		076538		10,168.59
04434		AXON ENTERPRISE, INC.							
	I-INUS186893	EVIDENCE/COM LIC BNDL	R	10/26/2023	936.02		076542		
	I-INUS187319	EVIDENCE.COM LICENSE BNDL	R	10/26/2023	376.62		076542		
	I-INUS191537	FLEET EVIDENCE.COM-ANNUAL	R	10/26/2023	19,374.41		076542		
	I-INUS191800	EVIDENCE.COM LIC BUNDLE	R	10/26/2023	30,259.41		076542		
	I-INUS191832	TASER 7 ANNUAL PAYMENT	R	10/26/2023	10,296.00		076542		61,242.46
04453		CORE & MAIN LP							
	I-S271371	METER INVENTORY	R	10/26/2023	5,640.00		076547		5,640.00
05713		EXERPLAY, INC.							
	I-32720	CANTILEVER SHADE-LIVE OAK	R	10/26/2023	55,575.00		076549		55,575.00
04638		FREESE AND NICHOLS, INC.							
	I-1359212	ING21605 DRAINAGE MP	R	10/26/2023	9,838.75		076550		9,838.75
03188		J.J. FOX CONSTRUCTION, INC.							
	I-018	N.O. SIMMONS LIFT STATION	R	10/26/2023	23,000.00		076556		
	I-019	HUMBLE LIFT STATION	R	10/26/2023	23,000.00		076556		46,000.00
05707		LAR SERVICE,LLC							
	I-5347	MINI EXCAVATOR REPAIR	R	10/26/2023	4,671.73		076557		4,671.73
05199		MOFFITT HOLDINGS, LLC.							
	I-419470	FUEL	R	10/26/2023	3,439.93		076560		
	I-419716	OIL FOR MECHANIC	R	10/26/2023	1,350.00		076560		4,789.93
05214		RAPIDSCALE INC.							
	I-INV00102789	MICROSOFT 365	R	10/26/2023	2,852.86		076565		
	I-INV00102790	MICROSOFT 365	R	10/26/2023	2,852.86		076565		
	I-INV00102791	MICROSOFT 365	R	10/26/2023	2,852.86		076565		
	I-INV00102792	MICROSOFT 365	R	10/26/2023	2,852.86		076565		11,411.44
04948		SAM HOUSTON STATE UNIVERSITY							
	I-20231001	CRIMES LIC ANNUAL PAYMNT	R	10/26/2023	18,000.00		076567		18,000.00
00878		SHI-GOVERNMENT SOLUTIONS, INC.							
	I-GB00505104	ARCHIVE EMAIL,SMS,	R	10/26/2023	19,431.74		076568		19,431.74

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00169		TRI COUNTY EMERGENCY MEDICAL S							
	I-14414	AMBULANCE SUBSIDY	R	10/26/2023	20,292.60		076573		20,292.60
00008		TYLER TECHNOLOGIES, INC.							
	I-130-139606	CRIMES/BRAZOS 10/23-9/24	R	10/26/2023	3,619.19		076575		3,619.19
00286		UNIQUE EMPLOYMENT I LTD							
	I-27800	TEMPS	R	10/26/2023	6,563.12		076577		6,563.12
04760		AMAZON CAPITAL SERVICES, INC.							
	C-11D6-FTW4-J64R	CREDIT 23-02440 1PQ9-FYDM-RVGR	R	11/02/2023	14.41CR		076580		
	C-1D9Y-CW9C-JDRL	CREDIT 23-02440 1PQ9-FYDM-RVGR	R	11/02/2023	9.69CR		076580		
	C-1RDH-PYH4-JY7T	CREDIT 23-02440 1PQ9-FYDM-RVGR	R	11/02/2023	52.40CR		076580		
	I-137K-DVQD-1T7V	NEW BOOKS	R	11/02/2023	18.94		076580		
	I-14YC-TXDW-4DNY	BARRIERS	R	11/02/2023	154.99		076580		
	I-14YCTXDW4DNY	ADDITIONAL TO PO 23-02485	R	11/02/2023	5.00		076580		
	I-1F34-3FK3-D4L9	SOLAR ECLIPSE	R	11/02/2023	113.20		076580		
	I-1H3P-MK6M-T1Q9	NEW BOOKS	R	11/02/2023	429.33		076580		
	I-1KYY-CG4Y-HTH6	NEW BOOKS	R	11/02/2023	67.98		076580		
	I-1L4K-LDLY-49MQ	NEW BOOKS	R	11/02/2023	41.24		076580		
	I-1LPD-11G4-NXHX	MONITORS	R	11/02/2023	859.89		076580		
	I-1PQ9-FYDM-RVGR	NEW BOOKS	R	11/02/2023	876.98		076580		
	I-1T9L-WCQW-T3M1	COVER, SSD, CHARGERS	R	11/02/2023	371.58		076580		
	I-1TVR-G1KT-CHFM	SOLAR ECLIPSE	R	11/02/2023	79.98		076580		
	I-1Y9V-13TC-6J6X	NAME PLATE	R	11/02/2023	36.00		076580		
	I-1YMM-491M-V6CY	NEW BOOKS	R	11/02/2023	50.93		076580		
	I-1YRD-4MV4-313K	OFFICE SUPPLIES	R	11/02/2023	1.59		076580		3,031.13
05521		DELAURO, GENE							
	I-20231030	LABOR & MILEAGE WE 10272023	R	11/02/2023	3,398.24		076590		3,398.24
03532		GEXA ENERGY, LP							
	I-202309	ELECTRICAL UTILITES SEPT 2023	R	11/02/2023	27,156.39		076594		27,156.39
04295		HANSON PROFESSIONAL SERVICES,							
	I-ARIV1001570	18L0321 STORMWATER	R	11/02/2023	4,406.95		076597		4,406.95
04975		HDR, INC.							
	I-1200564809	WATER & SEWERE RATE STUDY	R	11/02/2023	6,093.70		076599		6,093.70
03562		HYDROPRO SOLUTIONS, LLC							
	I-IN101114	MASTER METERS	R	11/02/2023	40,947.23		076601		
	I-IN101339	MASTER METERS	R	11/02/2023	13,585.53		076601		54,532.76

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00344		INGLESIDE CHAMBER OF COMMERCE							
	I-202310	CONTRACT & MEMBERSHIP	R	11/02/2023	15,000.00		076604		
	I-20231001	CONTRACT & MEMBERSHIP	R	11/02/2023	6,750.00		076604		21,750.00
05199		MOFFITT HOLDINGS, LLC.							
	I-422413	DIESEL AND UNLEADED FUEL	R	11/02/2023	4,126.41		076612		4,126.41
05297		PRO-TOUCH CONTRACTORS, INC							
	I-9840	SOUNDPROOF WALLS	R	11/02/2023	5,850.00		076615		5,850.00
00878		SHI-GOVERNMENT SOLUTIONS, INC.							
	I-GB00505186	NINJA ONE	R	11/02/2023	2,962.94		076619		
	I-GB00505241	SECURITY CONTRACT	R	11/02/2023	39,091.45		076619		
	I-GB00505261	SURFACES	R	11/02/2023	4,065.18		076619		
	I-GB00505295	COMPUTERS	R	11/02/2023	20,968.32		076619		
	I-GB00505537	COMPUTERS	R	11/02/2023	27,870.92		076619		
	I-GB00505614	KEYBOARDS	R	11/02/2023	385.20		076619		95,344.01
03301		TCEQ							
	I-CWQ0073393	TCEQ INV CWQ0073393	R	11/02/2023	9,607.07		076622		9,607.07
00008		TYLER TECHNOLOGIES, INC.							
	I-025-435112	ANNUAL FEES & MAINT	R	11/02/2023	86,103.53		076626		86,103.53
00286		UNIQUE EMPLOYMENT I LTD							
	I-27856	TEMPS	R	11/02/2023	9,317.37		076630		9,317.37
00432		VULCAN MATERIALS COMPANY							
	I-62697885	ASPHALT QUOTE#443689	R	11/02/2023	11,848.95		076633		11,848.95
04638		FREESE AND NICHOLS, INC.							
	I-1361049	ING21605 DRAINAGE MP	R	11/09/2023	11,859.21		076653		11,859.21
05477		GERKE EXCAVATING, INC							
	I-9	4TH ST IMPROVMENTS	R	11/09/2023	301,081.06		076655		301,081.06
04548		H2O PARTNERS							
	I-114374	GRANT MGMT - MDP WORK	R	11/09/2023	120.00		076657		
	I-114408	GRANT MGMT - MDP WORK	R	11/09/2023	150.00		076657		
	I-114437	GRANT MGMT - MDP WORK	R	11/09/2023	300.00		076657		
	I-114479	GRANT MGMT - MDP WORK	R	11/09/2023	1,680.00		076657		
	I-114512	GRANT MGMT - MDP WORK	R	11/09/2023	1,380.00		076657		3,630.00

VENDOR SET: 01 Ingleside
BANK: PCOP POOLED CASH - OPERATING
DATE RANGE:10/16/2023 THRU 11/30/2023

VENDOR	I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
04295		HANSON PROFESSIONAL SERVICES,							
	I-ARIV1001564	19L0026AQ FAITH PARK LIFT	R	11/09/2023	183.00		076660		
	I-ARIV1001565	19L0026W 2020 BOND PROGRA	R	11/09/2023	6,740.14		076660		
	I-ARIV1001566	19L0228 WW TREATMENT PLAN	R	11/09/2023	4,000.00		076660		
	I-ARIV1001567	21L0202A HULTGREEN IMPROV	R	11/09/2023	5,000.00		076660		15,923.14
03188		J.J. FOX CONSTRUCTION, INC.							
	I-PAY APP #1	HOUGHTON PROJECT	R	11/09/2023	356,858.00		076661		
	I-PAY APP #2	HOUGHTON PROJECT	R	11/09/2023	980,356.22		076661		1,337,214.22
00054		SAN PATRICIO MUNICIPAL WATER D							
	I-03302000 20231030	CALI WATER PURCHASE OCT23	R	11/09/2023	42,810.24		076673		
	I-03302200 20231030	SUNRAY WATER PURCHASE OCT23	R	11/09/2023	68,537.92		076673		
	I-202309	SCADA INRLOCAL 22-23	R	11/09/2023	250.00		076673		
	I-202310	SCADA INTERLOCAL 23-24	R	11/09/2023	250.00		076673		
	I-202311	SCADA INTERLOCAL 23-24	R	11/09/2023	250.00		076673		112,098.16
00286		UNIQUE EMPLOYMENT I LTD							
	I-27883	TEMPS	R	11/09/2023	8,679.38		076679		8,679.38
05773		THE AMBROSE APPRAISAL COMPANY							
	I-222819	ADAME INGL-0009	R	11/15/2023	1,500.00		076683		
	I-223489	GUERRERO 0516-0021-0004-000	R	11/15/2023	1,500.00		076683		3,000.00
04643		BATTLIN' BBQ							
	I-20231101	BATTLIN' BBQ	R	11/16/2023	22,449.75		076690		22,449.75
05321		BELL'S UNLIMITED SERVICES, INC							
	I-1123033873	MONTHLY MAIN SVA AC 23/24	R	11/16/2023	1,515.00		076692		
	I-1123035080	NEW INSTALL	R	11/16/2023	1,954.00		076692		
	I-1123035118	ANNEX HEATER REPAIR	R	11/16/2023	202.97		076692		3,671.97
05521		DELAURO, GENE							
	I-20231110	LABOR & MILEAGE	R	11/16/2023	3,198.24		076701		3,198.24
03188		J.J. FOX CONSTRUCTION, INC.							
	I-PAY APP 1	FAITH PARK	R	11/16/2023	142,750.00		076713		142,750.00
05214		RAPIDSCALE INC.							
	I-INV00104904	MICROSOFT 365	R	11/16/2023	3,136.13		076730		3,136.13
00034		REPUBLIC SERVICES, INC.							
	I-0847-001304479	GARBAGE BILL OCT 2023	R	11/16/2023	110,358.99		076731		110,358.99

VENDOR SET: 01 Ingleside
BANK: PCOP POOLED CASH - OPERATING
DATE RANGE:10/16/2023 THRU 11/30/2023

VENDOR	I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
05449		SAFEBUILT TEXAS, LLC							
	I-139766	OCT INSPECTIONS/REVIEWS	R	11/16/2023	5,357.43		076732		5,357.43
00878		SHI-GOVERNMENT SOLUTIONS, INC.							
	I-GB00507243	TABLETS	R	11/16/2023	3,185.22		076734		3,185.22
05481		SYSTEMSEVEN SERVICES, LLC							
	I-INV59282	PHONE/INTERNET/FAX NOV 23	R	11/16/2023	3,900.19		076738		3,900.19
03301		TCEQ							
	I-PHS0219290	INV PHS0219290	R	11/16/2023	8,530.90		076741		8,530.90
00169		TRI COUNTY EMERGENCY MEDICAL S							
	I-14417	AMBULANCE SUBSIDY	R	11/16/2023	20,292.60		076746		20,292.60
00286		UNIQUE EMPLOYMENT I LTD							
	I-27907	TEMPS	R	11/16/2023	10,793.55		076748		10,793.55
04295		HANSON PROFESSIONAL SERVICES,							
	I-1103530	18L0321 STORMWATER	R	11/27/2023	13,220.85		076761		
	I-1104473	19L0026AL ANIMAL SHELTER	R	11/27/2023	8,802.00		076761		
	I-1104482	21L0202A HULTGREEN IMPRO	R	11/27/2023	3,000.00		076761		25,022.85
05325		eFILECABINET, INC.							
	I-13093, 10040, 1154	USER LICENSE	R	11/30/2023	26,335.79		076777		26,335.79
00389		GT DISTRIBUTORS, INC.							
	I-INV0959097	BODY ARMOR	R	11/30/2023	3,065.95		076781		
	I-INV0960725	BODY ARMOR-B. MORAN	R	11/30/2023	16.00		076781		3,081.95
01614		KIEWIT OFFSHORE SERVICES, LTD.							
	I-20231019	SALES TAX ABATEMENT 102023	R	11/30/2023	60,711.32		076783		60,711.32
01092		TEXAS INDUSTRIES, INC.							
	I-41003691	LIMESTONE BASE	R	11/30/2023	4,028.51		076785		4,028.51
05199		MOFFITT HOLDINGS, LLC.							
	I-426814	FUEL	R	11/30/2023	3,816.41		076786		3,816.41
05726		PARKUSA - PARK ENVIRONMENTAL E							
	I-9000143151	CULVERT ENDS	R	11/30/2023	6,640.00		076789		6,640.00
03334		SIDDONS-MARTIN EMERGENCY GROUP							
	I-316-0000004440	FUEL INJECTORS	R	11/30/2023	21,200.26		076795		21,200.26

VENDOR SET: 01 Ingleside
BANK: PCOP POOLED CASH - OPERATING
DATE RANGE:10/16/2023 THRU 11/30/2023

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00286	UNIQUE EMPLOYMENT I LTD							
I-27827	TEMPS	R	11/30/2023	6,930.00		076806		
I-27935	TEMPS	R	11/30/2023	6,956.33		076806		13,886.33
05379	WEX BANK							
I-93148732	FUEL PD AC CE	R	11/30/2023	6,702.12		076810		6,702.12

* * T O T A L S * *	NO			INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	75			3,497,995.04	0.00	3,497,995.04
HAND CHECKS:	0			0.00	0.00	0.00
DRAFTS:	8			1,588,437.03	0.00	1,588,437.03
EFT:	0			0.00	0.00	0.00
NON CHECKS:	0			0.00	0.00	0.00
VOID CHECKS:	0	VOID DEBITS	0.00			
		VOID CREDITS	0.00	0.00	0.00	

TOTAL ERRORS: 0

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
VENDOR SET: 01 BANK: PCOP TOTALS:	83	5,086,432.07	0.00	5,086,432.07
BANK: PCOP TOTALS:	83	5,086,432.07	0.00	5,086,432.07
REPORT TOTALS:	83	5,086,432.07	0.00	5,086,432.07

SELECTION CRITERIA

VENDOR SET: 01-City of Ingleside
VENDOR: ALL
BANK CODES: All
FUNDS: All

CHECK SELECTION

CHECK RANGE: 000000 THRU 999999
DATE RANGE: 10/16/2023 THRU 11/30/2023
CHECK AMOUNT RANGE: 3,000.00 THRU 999,999,999.99
INCLUDE ALL VOIDS: YES

PRINT OPTIONS
SEQUENCE: CHECK NUMBER

PRINT TRANSACTIONS: YES
PRINT G/L: NO
UNPOSTED ONLY: NO
EXCLUDE UNPOSTED: YES
MANUAL ONLY: NO
STUB COMMENTS: YES
REPORT FOOTER: NO
CHECK STATUS: NO
PRINT STATUS: * - All

CITY COUNCIL AGENDA
Regular Meeting: December 12, 2023

AGENDA ITEM: 6.b

City of Ingleside monthly financials as of October 31, 2023.

SUBMITTED BY: Caron Vela, Director of Finance

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

Monthly financial report ending October 31, 2023.

FISCAL ANALYSIS:

FY2024 See attachments: A.1; A.2; A.3; B.1; C.1

FY2024 The November Council Discretionary Funds account balance is $172,687.00.

RECOMMENDATION:

Information only.

ATTACHMENTS:

1. Financial Reports as of October 2023.

ATTACHMENTS:

1. October 2023 Monthly Financial Report

Monthly Financial Report to City Council December 12, 2023

Finance Department
Submitted by: Caron Vela

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		Page
A.)	**Statement of Revenues and Expenditures through Oct 2023 (Preliminary)**	
	1.) Summary By Fund	A.1
	2.) General Fund	A.2
	3.) Utility Fund	A.3
B.)	**Monthly Portfolio Report - Sep 30, 2023**	B.1
C.)	**Cash Basis Sales Tax Collections through Oct 2023**	C.1
D.)	**FY23 General Fund Tax Roll Collection through Aug 2023**	

Total Value - Sep 30, 2023	$	60,052,678.82	
Total Value - Aug 31, 2023		59,681,792.54	
Net Change	**$**	**370,886.28**	

FYD - Total	$	399,106.08	(Gross 1 months 8%)
Budgeted - Total	$	3,350,000.00	Remaining to Collect:
Difference Budget vs. Received	$	2,950,893.92	88.09%

FYD - Total	$	40,013.45	
Budgeted - Total	$	7,736,225.00	Remaining to Collect:
Difference Budget vs. Received	$	7,696,211.55	99.48%

REVENUE AND EXPENDITURES REPORT (UNAUDITED)
AS OF: OCTOBER 31ST, 2023

10 -GENERAL FUND

08.3% OF YEAR COMPLETED

	PRIOR YEAR BUDGET	PRIOR YEAR ACTUAL	CURRENT BUDGET	CURRENT PERIOD	CURRENT YTD ACTUAL	PRIOR YEAR PO ADJUST.	YEAR TO DATE ENCUMBERED	BUDGET VARIANCE	% OF BUDGET
10 -GENERAL FUND									
TOTAL REVENUE	15,265,638.00	684,727.39	15,093,938.00	807,921.45	807,921.45	0.00	0.00	(14,286,016.55)	5.35
TOTAL EXPENDITURES	14,047,192.83	821,555.98	14,458,738.00	1,162,814.73	1,162,814.73	0.00	570,728.66	12,725,194.61	8.04
REVENUES OVER/(UNDER) EXPENDITURES	1,218,445.17	(136,828.59)	635,200.00	(354,893.28)	(354,893.28)	0.00	(570,728.66)	(1,560,821.94)	55.87-
18 -COVE PARK TOURISM FUND									
TOTAL REVENUE	175,000.00	3,637.08	25,360.00	3,563.04	3,563.04	0.00	0.00	(21,796.96)	14.05
TOTAL EXPENDITURES	0.00	0.00	0.00	0.00	0.00	0.00	600.00	(600.00)	0.00
REVENUES OVER/(UNDER) EXPENDITURES	175,000.00	3,637.08	25,360.00	3,563.04	3,563.04	0.00	(600.00)	(22,396.96)	14.05
19 -HURRICANE EMERGENCY									
TOTAL REVENUE	405,136.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES	574,412.00	3,030.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
REVENUES OVER/(UNDER) EXPENDITURES	(169,276.00)	(3,030.00)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
21 -HOTEL-MOTEL FUND									
TOTAL REVENUE	253,400.00	36,284.55	253,240.00	35,360.04	35,360.04	0.00	0.00	(217,879.96)	13.96
TOTAL EXPENDITURES	365,379.00	3,337.00	332,965.00	6,896.04	6,896.04	0.00	0.00	326,068.96	2.07
REVENUES OVER/(UNDER) EXPENDITURES	(111,979.00)	32,947.55	(79,725.00)	28,464.00	28,464.00	0.00	0.00	108,189.00	35.70-
23 -INGLESIDE DEVELOPMENT									
TOTAL REVENUE	402,000.00	39,600.19	404,000.00	63,160.15	63,160.15	0.00	0.00	(340,839.85)	15.63
TOTAL EXPENDITURES	988,052.00	13,473.22	581,700.00	12,848.86	12,848.86	0.00	0.00	568,851.14	2.21
REVENUES OVER/(UNDER) EXPENDITURES	(586,052.00)	26,126.97	(177,700.00)	50,311.29	50,311.29	0.00	0.00	228,011.29	28.31-
25 -GENERAL FUND GRANTS									
TOTAL REVENUE	1,312,717.00	800.85	6,287.00	20,236.88	20,236.88	0.00	0.00	13,949.88	321.88
TOTAL EXPENDITURES	2,696,415.00	10,855.70	1,906,287.00	16,859.21	16,859.21	0.00	2,108,363.76	(218,935.97)	0.88
REVENUES OVER/(UNDER) EXPENDITURES	(1,383,698.00)	(10,054.85)	(1,900,000.00)	3,377.67	3,377.67	0.00	(2,108,363.76)	(204,986.09)	0.18-
28 -INGLESIDE STREET MAINTENA									
TOTAL REVENUE	401,000.00	39,032.94	1,941,000.00	59,230.10	59,230.10	0.00	0.00	(1,881,769.90)	3.05
TOTAL EXPENDITURES	1,425,045.00	0.00	0.00	0.00	0.00	0.00	154,425.00	(154,425.00)	0.00
REVENUES OVER/(UNDER) EXPENDITURES	(1,024,045.00)	39,032.94	1,941,000.00	59,230.10	59,230.10	0.00	(154,425.00)	(2,036,194.90)	3.05
30 -CAPITAL PROJECTS FUND									
TOTAL REVENUE	7,478,700.00	44,005.49	7,468,385.00	54,158.73	54,158.73	0.00	0.00	(7,414,226.27)	0.73
TOTAL EXPENDITURES	16,775,726.00	256,747.30	10,340,463.00	6,923.14	6,923.14	0.00	334,946.95	9,998,592.91	0.07
REVENUES OVER/(UNDER) EXPENDITURES	(9,297,026.00)	(212,741.81)	(2,872,078.00)	47,235.59	47,235.59	0.00	(334,946.95)	2,584,366.64	1.64-
31 -STREET RECONSTRUCTION									
TOTAL REVENUE	100.00	0.00	500.00	0.00	0.00	0.00	0.00	(500.00)	0.00
REVENUES OVER/(UNDER) EXPENDITURES	100.00	0.00	500.00	0.00	0.00	0.00	0.00	(500.00)	0.00

REVENUE AND EXPENDITURES REPORT (UNAUDITED)
AS OF: OCTOBER 31ST, 2023

10 -GENERAL FUND

08.3% OF YEAR COMPLETED

	PRIOR YEAR BUDGET	PRIOR YEAR ACTUAL	CURRENT BUDGET	CURRENT PERIOD	CURRENT YTD ACTUAL	PRIOR YEAR PO ADJUST.	YEAR TO DATE ENCUMBERED	BUDGET VARIANCE	% OF BUDGET
32 -ROLLING STOCK & EQUIPMENT									
TOTAL REVENUE	628,007.00	29,608.00	354,900.00	28,527.00	28,527.00	0.00	0.00	(326,373.00)	8.04
TOTAL EXPENDITURES	10,000.00	0.00	0.00	0.00	0.00	0.00	307,312.92	(307,312.92)	0.00
REVENUES OVER/(UNDER) EXPENDITURES	618,007.00	29,608.00	354,900.00	28,527.00	28,527.00	0.00	(307,312.92)	(633,685.92)	8.04
40 -DEBT SERVICE FUND									
TOTAL REVENUE	3,108,023.00	38,982.22	3,704,435.00	17,882.31	17,882.31	0.00	0.00	(3,686,552.69)	0.48
TOTAL EXPENDITURES	3,162,139.00	400.00	3,669,176.00	400.00	400.00	0.00	0.00	3,668,776.00	0.01
REVENUES OVER/(UNDER) EXPENDITURES	(54,116.00)	38,582.22	35,259.00	17,482.31	17,482.31	0.00	0.00	(17,776.69)	49.58
50 -UTILITY FUND									
TOTAL REVENUE	5,817,663.00	458,259.12	5,266,500.00	580,230.20	580,230.20	0.00	0.00	(4,686,269.80)	11.02
TOTAL EXPENDITURES	5,203,794.14	322,789.90	5,256,783.00	426,342.27	426,342.27	0.00	121,043.08	4,709,397.65	8.11
REVENUES OVER/(UNDER) EXPENDITURES	613,868.86	135,469.22	9,717.00	153,887.93	153,887.93	0.00	(121,043.08)	23,127.85	1,583.70
51 -UITILITIES CAPITAL IMPROV									
TOTAL REVENUE	20,154.00	4,503.00	1,908,195.00	10,815.35	10,815.35	0.00	0.00	(1,897,379.65)	0.57
TOTAL EXPENDITURES	2,998,137.00	285,460.85	2,053,140.00	17,585.53	17,585.53	0.00	425,358.46	1,610,196.01	0.86
REVENUES OVER/(UNDER) EXPENDITURES	(2,977,983.00	(280,957.85)	(144,945.00)	(6,770.18)	(6,770.18)	0.00	(425,358.46)	(287,183.64)	4.67
52 -UTILITIES ROLLING STOCK									
TOTAL REVENUE	134,706.00	10,558.00	126,520.00	10,542.00	10,542.00	0.00	0.00	(115,978.00)	8.33
REVENUES OVER/(UNDER) EXPENDITURES	134,706.00	10,558.00	126,520.00	10,542.00	10,542.00	0.00	0.00	(115,978.00)	8.33
54 -UTILITY IMPACT FEES									
TOTAL REVENUE	54,100.00	4,388.80	43,500.00	9,271.56	9,271.56	0.00	0.00	(34,228.44)	21.31
TOTAL EXPENDITURES	977,566.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
REVENUES OVER/(UNDER) EXPENDITURES	(923,466.00)	4,388.80	43,500.00	9,271.56	9,271.56	0.00	0.00	(34,228.44)	21.31
60 -ASSET SEIZURES & FORFEIT.									
TOTAL REVENUE	1,860.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES	14,627.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
REVENUES OVER/(UNDER) EXPENDITURES	(12,767.00)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
80 -GENERAL FIXED ASSETS									
90 -POOLED CASH									
GRAND TOTAL REVENUES	35,458,204.00	1,394,387.63	36,596,760.00	1,700,898.81	1,700,898.81	0.00	0.00	(34,895,861.19)	4.65
GRAND TOTAL EXPENDITURES	49,238,484.97	1,717,649.95	38,599,252.00	1,650,669.78	1,650,669.78	0.00	4,022,778.83	32,925,803.39	4.28
REVENUES OVER/(UNDER) EXPENDITURES	(13,780,280.97	(323,262.32)	(2,002,492.00)	50,229.03	50,229.03	0.00	(4,022,778.83)	(1,970,057.80)	2.51-

*** END OF REPORT ***

REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: OCTOBER 31ST, 2023

10 -GENERAL FUND
FINANCIAL SUMMARY 08.33% OF YEAR COMPLETED

ACCT# ACCOUNT NAME	ANNUAL	CURRENT	Y-T-D ACTUAL	% OF BUDGET	FAVORABLE (UNFAVORABLE)	PRIOR YR Y-T-D
REVENUE SUMMARY						
TAX REVENUES	10,317,775.00	340,492.08	340,492.08	3.30	9,977,282.92	294,410.00
FRANCHISE FEES	1,153,000.00	47,879.00	47,879.00	4.15	1,105,121.00	95,835.67
SERVICES	1,222,400.00	131,241.84	131,241.84	10.74	1,091,158.16	98,339.55
FINES & FORFEITURES	228,575.00	46,402.83	46,402.83	20.30	182,172.17	45,351.62
LICENSES & PERMITS	350,300.00	7,716.04	7,716.04	2.20	342,583.96	5,379.93
OTHER REVENUE	546,888.00	118,356.66	118,356.66	21.64	428,531.34	39,149.62
TRANSFERS FROM OTHER FUND	1,275,000.00	115,833.00	115,833.00	9.08	1,159,167.00	106,261.00
*** TOTAL REVENUES ***	15,093,938.00	807,921.45	807,921.45	5.35	14,286,016.55	684,727.39
EXPENDITURE SUMMARY						
NON-DEPARTMENTAL	2,062,825.00	106,626.37	106,626.37	5.17	1,956,198.63	134,139.73
MAYOR AND CITY COUNCIL	250,500.00	30.29	30.29	0.01	250,469.71	2,294.89
CITY MANAGER	259,723.00	17,095.72	17,095.72	6.58	242,627.28	9,245.63
CITY SECRETARY	269,510.00	26,087.51	26,087.51	9.68	243,422.49	14,399.49
FINANCE	379,960.00	66,795.06	66,795.06	17.58	313,164.94	43,743.07
CITY ATTORNEY	175,000.00	0.00	0.00	0.00	175,000.00	13,295.98
MUNICIPAL COURT	275,910.00	34,739.12	34,739.12	12.59	241,170.88	18,636.28
LIBRARY	380,900.00	23,994.04	23,994.04	6.30	356,905.96	18,108.54
FIRE	352,015.00	13,531.05	13,531.05	3.84	338,483.95	13,077.38
POLICE	3,711,455.00	330,162.13	330,162.13	8.90	3,381,292.87	241,664.69
PARKS AND RECREATION	1,013,215.00	60,074.34	60,074.34	5.93	953,140.66	29,456.60
STREETS	1,630,940.00	94,765.90	94,765.90	5.81	1,536,174.10	63,499.10
INSPECTIONS DEPARTMENT	593,705.00	37,431.83	37,431.83	6.30	556,273.17	27,638.97
ANIMAL CONTROL	316,930.00	18,850.37	18,850.37	5.95	298,079.63	13,194.66
WASTE WATER	202,175.00	4,359.58	4,359.58	2.16	197,815.42	86.19
CODE ENFORCEMENT	259,580.00	17,512.48	17,512.48	6.75	242,067.52	15,856.97
ECONOMIC DEVELOPMENT	187,115.00	15,864.61	15,864.61	8.48	171,250.39	7,279.08
FACILITIES MAINTENANCE	0.00	11,094.71	11,094.71	0.00	(11,094.71)	193.03
HUMAN RESOURCES	251,910.00	25,759.15	25,759.15	10.23	226,150.85	17,541.69
EMERGENCY MANAGEMENT	52,580.00	1,783.96	1,783.96	3.39	50,796.04	9,872.26
IT	349,845.00	133,533.36	133,533.36	38.17	216,311.64	22,164.07
COMMUNITY EVENTS	482,945.00	12,364.16	12,364.16	2.56	470,580.84	28,441.17
SANITATION	1,000,000.00	110,358.99	110,358.99	11.04	889,641.01	77,726.51
*** TOTAL EXPENDITURES ***	14,458,738.00	1,162,814.73	1,162,814.73	8.04	13,295,923.27	821,555.98
*** REVENUES OVER/(UNDER) EXPENDITURES *	635,200.00	(354,893.28)	(354,893.28)	55.87-	990,093.28	(136,828.59)

Packet Page 20 of 362

REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: OCTOBER 31ST, 2023

50 -UTILITY FUND
FINANCIAL SUMMARY

08.33% OF YEAR COMPLETED

ACCT# ACCOUNT NAME	ANNUAL	CURRENT	Y-T-D ACTUAL	% OF BUDGET	FAVORABLE (UNFAVORABLE)	PRIOR YR Y-T-D
REVENUE SUMMARY						
TAX REVENUES	5,107,500.00	492,486.43	492,486.43	9.64	4,615,013.57	433,370.48
OTHER REVENUE	159,000.00	87,743.77	87,743.77	55.18	71,256.23	24,888.64
*** TOTAL REVENUES ***	5,266,500.00	580,230.20	580,230.20	11.02	4,686,269.80	458,259.12
EXPENDITURE SUMMARY						
NON-DEPARTMENTAL	1,430,250.00	111,986.20	111,986.20	7.83	1,318,263.80	110,597.90
UTILITY BILLING OFFICE	261,698.00	43,366.95	43,366.95	16.57	218,331.05	14,306.35
WATER	2,157,960.00	170,171.80	170,171.80	7.89	1,987,788.20	130,200.29
WASTEWATER	1,406,875.00	100,817.32	100,817.32	7.17	1,306,057.68	67,685.36
*** TOTAL EXPENDITURES ***	5,256,783.00	426,342.27	426,342.27	8.11	4,830,440.73	322,789.90
*** REVENUES OVER/(UNDER) EXPENDITURES *	9,717.00	153,887.93	153,887.93	583.70	(144,170.93)	135,469.22

MEEDER PUBLIC FUNDS

City of Ingleside, Texas
Portfolio Management
Portfolio Summary
October 31, 2023

Meeder Public Funds
901 S. MoPac
Suite 300
Austin, TX 78746
-

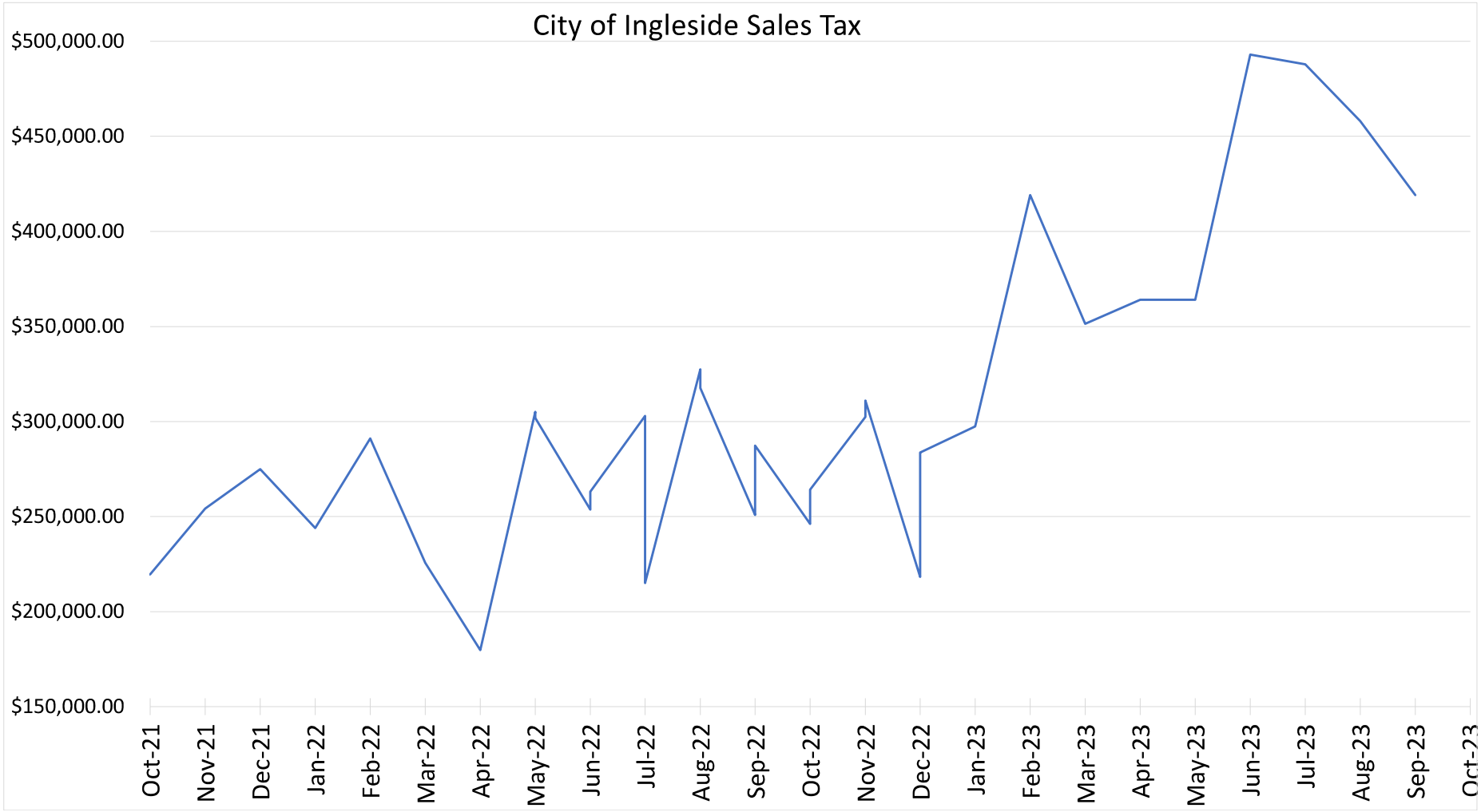
Investments	Par Value	Market Value	Book Value	% of Portfolio	Term	Days to Maturity	YTM 365 Equiv.
Money Market Fund	2,636,446.35	2,636,446.35	2,636,446.35	4.56	1	1	0.207
Federal Agency Coupon Securities	3,000,000.00	2,902,861.80	3,000,000.00	5.19	1,096	240	0.400
Municipal Bonds	3,440,000.00	3,404,697.00	3,445,617.62	5.96	834	84	0.550
Frost Bank	10,560,486.00	10,560,486.00	10,560,486.00	18.27	1	1	3.532
Texpool Prime	38,164,031.45	38,164,031.45	38,164,031.45	66.02	1	1	5.586
Investments	**57,800,963.80**	**57,668,522.60**	**57,806,581.42**	**100.00%**	**108**	**18**	**4.396**
Cash and Accrued Interest							
Accrued Interest at Purchase		0.00	0.00				
Ending Accrued Interest		65,564.04	65,564.04				
Subtotal		65,564.04	65,564.04				
Total Cash and Investments Value	**57,800,963.80**	**57,734,086.64**	**57,872,145.46**		**108**	**18**	**4.396**

Total Earnings	October 31 Month Ending	Fiscal Year To Date
Current Year	221,185.83	221,185.83

Book balances reflected are actual balances per banks and will differ from City's reconciled book balances.

The following reports are submitted in accordance with the Public Funds Investment Act (Texas Gov't Code 2256). The reports also offer supplemental information not required bythe Act in order to fully inform the governing body of the City of Ingleside, Texas of the position and activity within the City's portfolio of investment. The reports include a management summary overview, a detailed inventory report for the end of the period, a trading report, as well as graphic representations of the portfolio to provide full disclosure to the governing body.

Caron Vela, Finance Director


City of Ingleside Sales Tax
$500,000.00
$450,000.00
$400,000.00
$350,000.00
$300,000.00
$250,000.00
$200,000.00
$150,000.00
Oct-21
Nov-21
Dec-21
Jan-22
Feb-22
Mar-22
Apr-22
May-22
Jun-22
Jul-22
Aug-22
Sep-22
Oct-22
Nov-22
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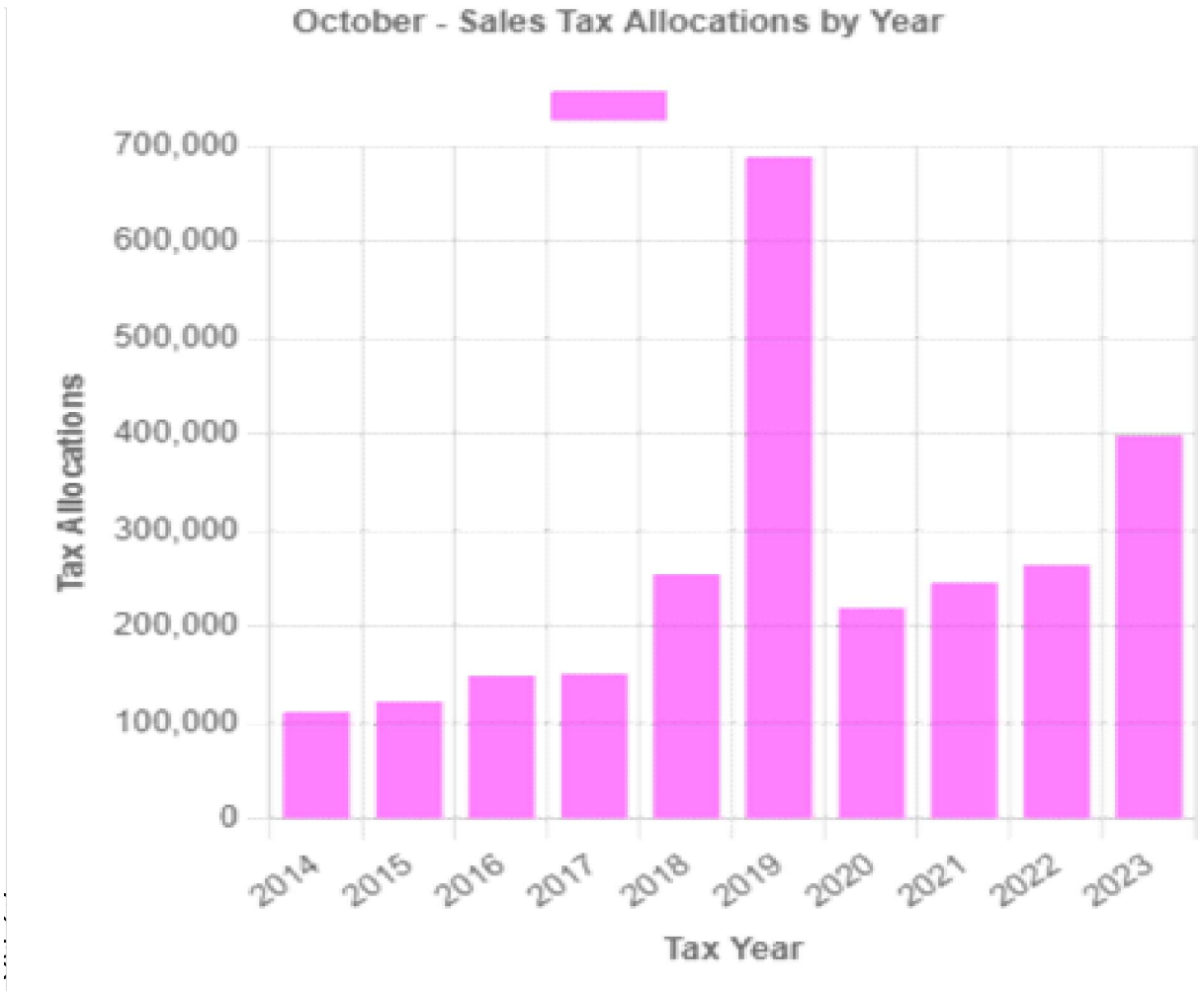
Jul-23
Aug-23
Sep-23
Oct-23


October - Sales Tax Allocations by Year
Tax Allocations
700,000
600,000
500,000
400,000
300,000
200,000
100,000
0
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
Tax Year

CITY COUNCIL AGENDA
Regular Meeting: December 12, 2023

AGENDA ITEM: 6.c

Regulation of Non-Conventional Structures.

SUBMITTED BY: Gene Delauro, Interim Building Official

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

The 2018 International Residential Code (applicable to One- and Two-family dwellings) exempts one-story detached accessory structures with a floor area of 200 square feet or less from permit requirements. Accessory structures are defined as garages, carports, cabanas, storage sheds, tool sheds, playhouses and garden structures. The 2018 International Building Code (applicable to multi-family and commercial properties) contains the same exemptions, except the size threshold requiring permitting is 120 square feet of floor area or greater. Conventional structures not meeting the size threshold for permits are exempt from permitting but are still required to be compliant with City zoning ordinances with respect to setback and easement requirements.

The use of used metal containers and/or Conex boxes, used primarily as on-site storage buildings, have become popular for residential and commercial use in recent years due to their minimal cost and durability. The containers or boxes have been and are subject to City permitting and inspection if the container or box exceeds the size/area threshold for permitting. The accessory structures identified above are classified as conventional structures, designed and constructed to be permanent.

Non-conventional structures typically observed include canopies and tents fabricated with light gage metal framing covered with fabric or plastic sheeting. These structures are not classified as conventional structures as they are designed and manufactured for temporary, not permanent use. Additional examples include agricultural hoop houses and shade structures. The City of Ingleside has not historically regulated, permitted or inspected non-conventional structures due to the temporary nature of their use and the absence of regulatory standards and requirements for temporary use structures. Non-conventional structures are generally not designed to meet wind load requirements. If subjected to the wind load standards of the adopted building codes, the cost to retrofit these structures would likely far exceed the value of the structure.

The City of Ingleside's geographical location in a coastal high wind zone increases the risk and likelihood of airborne debris from both conventional and non-conventional structures, thereby increasing the risk of injury to persons and damage to property. All structures, conventional and non-conventional, should be adequately constructed and/or secured to prevent and limit the risk of injury to persons and damage to public and private property.

Cities in high wind zones typically have not regulated non-conventional structures through permitting and inspections. However, the City of Corpus Christi authorizes the Building Official to order all loose materials to be secured or relocated upon NOAA issuance of a hurricane warning for our area.

“Hurricane inspections - During periods of time designated by the National Oceanic and Atmospheric Administration as involving a hurricane warning, the building official or the building official's designee shall provide notice to residences, commercial and industrial establishments, and construction sites to ensure that all furniture, display racks, construction supplies and materials, and other loose objects in exposed outdoor locations are secured to rigid construction or stored in buildings.

Orders issued by the building official may be oral or written and may be given to the person on the premises responsible for the custody or management or care or maintenance of the premises or the person's employee or agent. Orders must be carried out before winds of hurricane velocity are anticipated."

FISCAL ANALYSIS:

None

RECOMMENDATION:

While requiring permitting and inspection of non-conventional structures is an option for City Council consideration, staff does not recommend this approach due to the lack of regulatory standards, prohibitive cost of wind load compliance and high degree of difficulty to enforce.

Staff does recommend the continued regulation, permitting and inspection of conventional structures subject to the standards outlined in the adopted building codes and adding new language in Ingleside’s Municipal Code of Ordinances requiring voluntary compliance measures to relocate or secure non-conventional structures and all other outdoor items upon issuance of a NOAA hurricane warning for our area.

ATTACHMENTS:

None

CITY COUNCIL AGENDA
Regular Meeting: December 12, 2023

AGENDA ITEM: 6.d

Report of various event flags as previously requested by the Council.

SUBMITTED BY: Tammy Burr, Police Chief

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

Mayor Adame has requested a report on options and costs for event flags to identify and promote various Departments within the City of Ingleside during large events.

FISCAL ANALYSIS:

Report Only

RECOMMENDATION:

Report Only

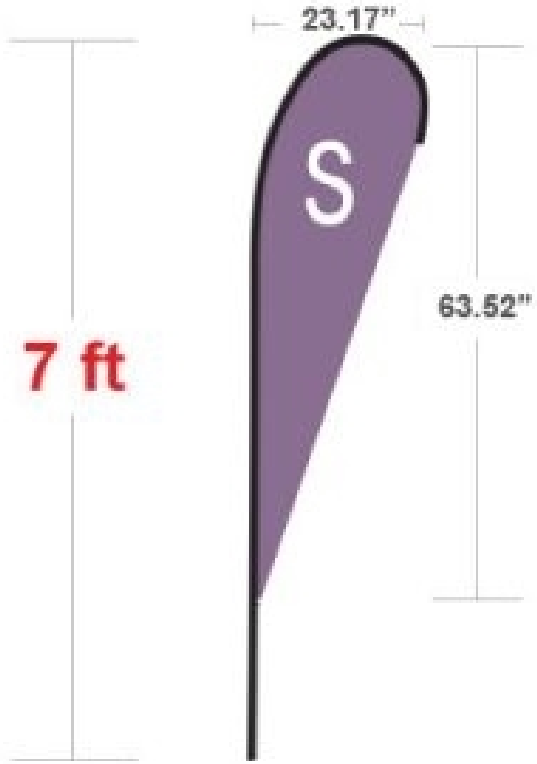
ATTACHMENTS:

1. Ingleside PD Presentation - EVENT FLAGS

CITY OF INGLESIDE POLICE DEPARTMENT

EVENT FLAGS

TEARDROP FLAG



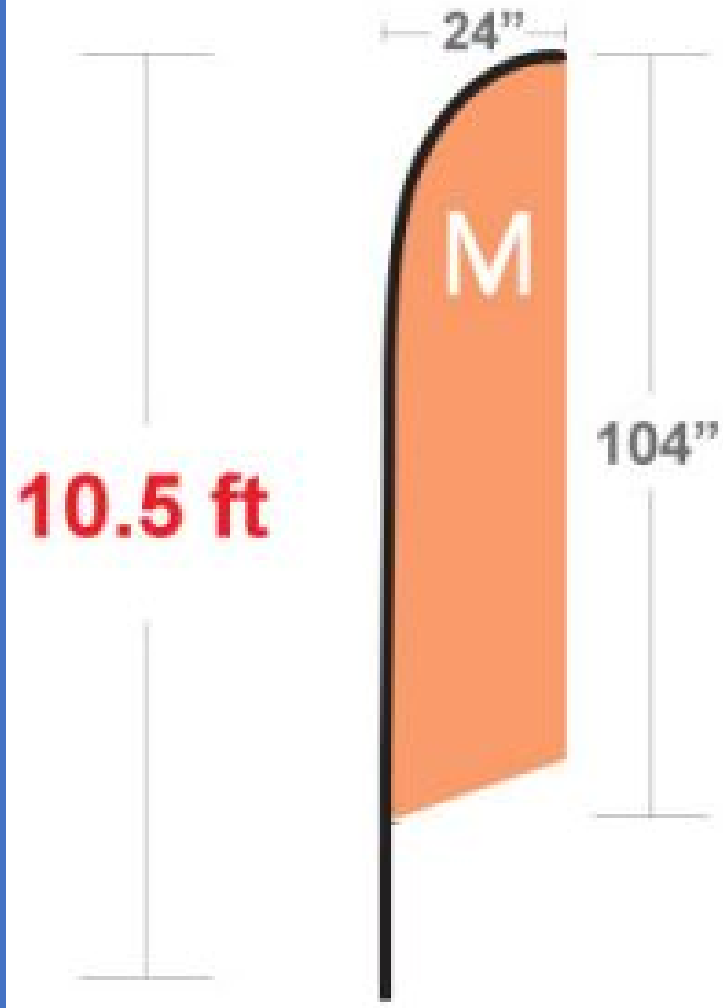
Teardrop Flag (Small) 7’ - $119.99

Teardrop Flag (Medium) 9’ - $124.99

Teardrop Flag (Large) 11.2’ - $129.99

Teardrop Flag (X-Large) 13.5’ - $164.99

ANGLED FEATHER FLAG



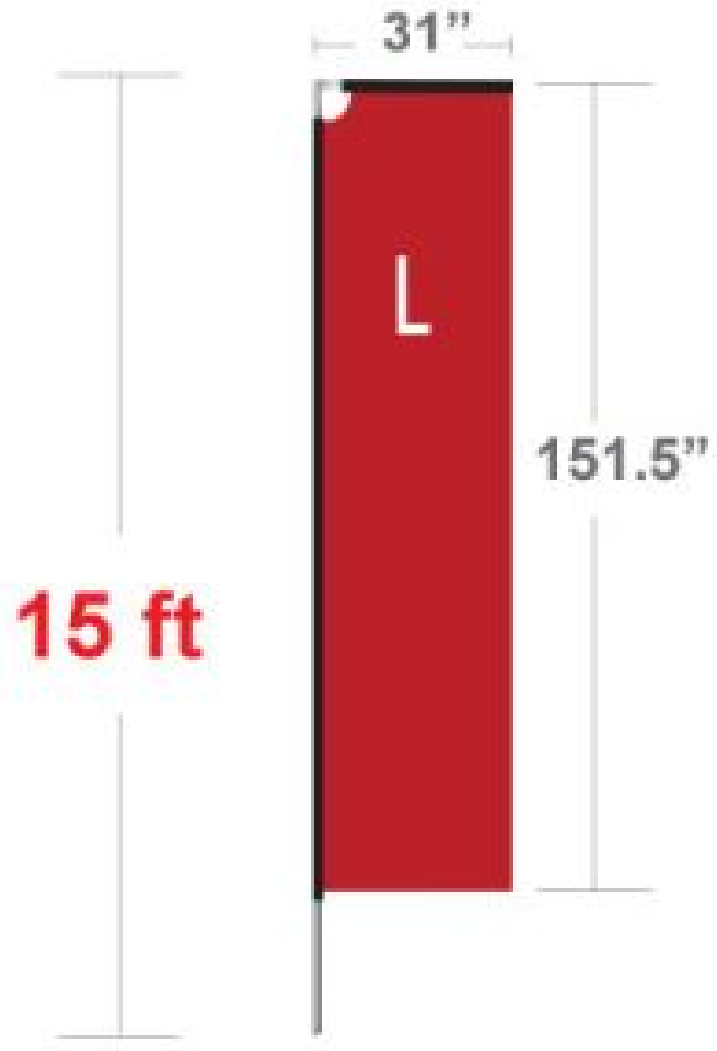
Angled Feather Flag
(Small) 9’ - $119-99

Angled Feather Flag (Medium)
10.5’ - $124.99

Angled Feather Flag
(Large) 14’ - $129.99

Angled Feather Flag
(X-Large) 18’ - $164.99

RECTANGLE FEATHER FLAG



Rectangle Feather Flag (Small) 8.5’ - $189.99

Rectangle Feather Flag (Medium) 11.8’ - $214.99

Rectangle Feather Flag (Large) 15’ - $239.99

CUSTOM FLAG WITH POLE

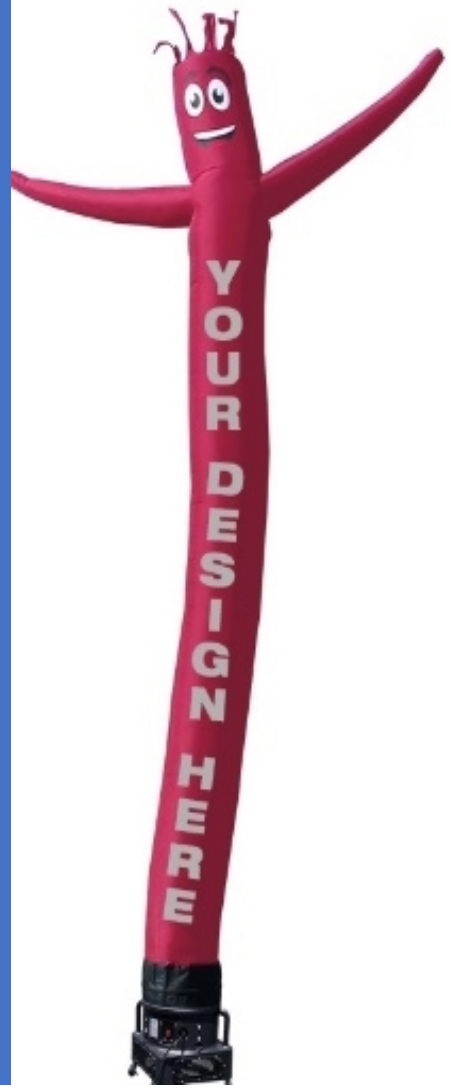
2’ x 3’ - $85.00

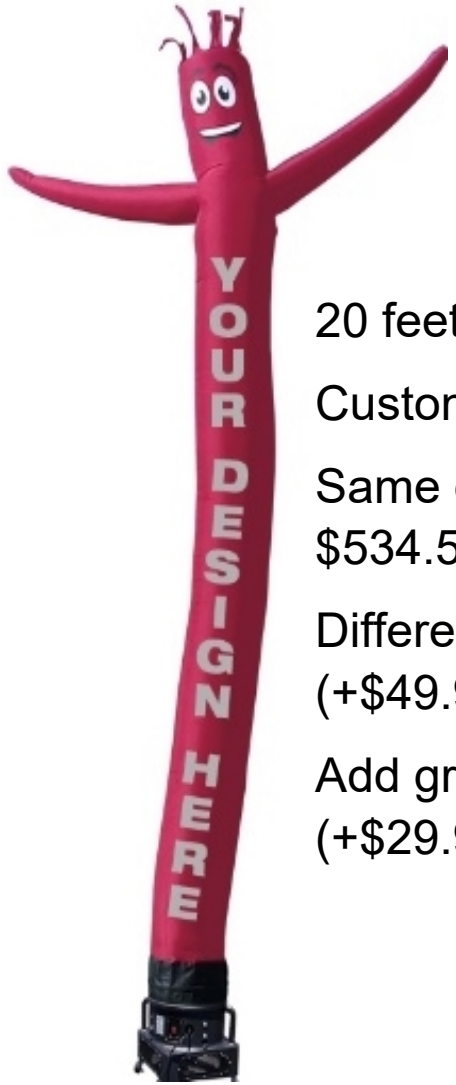
3’ x 4’ - $139.00

6’ x 8’ - $391.00

4 oz. Polyester flag material
High resolution digitally printed at 720 x 720
Dye sublimation
Scratch resistant

Air Inflatable Dancer Tube Men With Air Blower





20 feet tall

Customizable

Same graphic on both sides - $534.50

Different Graphic on each side (+$49.99)

Add graphic text to arms (+$29.99)

VINYL BANNER

Smallest 2’ x 2’ - $11.20

Largest 10’ x 10’ - $280.00

Pole sleeve can be added

Vinyl banners by default will come as single-sided prints.

The back of the banner will be white.

SIGNICADE

$204.24

25" W x 45" H x 3" D frame size

Fits 2 (24"x 36") plastic sign inserts

Can fill with water or sand

QUESTIONS

CITY COUNCIL AGENDA
Regular Meeting: December 12, 2023

AGENDA ITEM: 6.e

Animal Shelter Project Update.

SUBMITTED BY: Gary Paredez, Director of Infrastructure Services

APPROVED FOR AGENDA: Ruby Beaven, City Secretary

BACKGROUND:

This update is to give the City Council an update about the Animal Shelter Project that is currently underway in the City. Hurricane Harvey destroyed the City Animal Shelter in 2017, so the City has been using a temporary building ever since. This project will allow the City of Ingleside to have its own permanent animal shelter.

Hanson Professional Services along with Shelter Planners of America was the firm selected to design, bid and oversee the construction of the City of Ingleside Animal Shelter. On June 29, 2023, Bids were publicly opened for this project. On August 8, 2023, the contract was awarded to Progressive Structures Inc. for the amount of $1,564,100.00. Notice to proceed was issued on October 25, 2023, which started the clock on the 320 calendar days to complete the project.

On Friday November 17, 2023, a groundbreaking ceremony was held at the site selected for the Ingleside Animal Shelter. This was attended by the Mayor, several members of the City Council, the City Manager, several other City employees, including ACO Officers and the Chief of Police. Members of the public were also present.

The contractor has moved on site and has established his construction office trailer. He is in the process of establishing electrical power for this office. The contractor has also moved machinery to start the preliminary dirt work for the construction of the animal shelter. The preliminary building site has been staked, cleared, and leveled for construction. The building site pad has been packed with a pad-foot roller and is ready for the excavation for the foundation pouring.

The progress meetings scheduled for this project will be once a month. The windstorm certification inspections have been scheduled with a third party firm and will be done as needed throughout the construction. The submittal reviews are currently being done by the engineer.

FISCAL ANALYSIS:

The total bid price for this project is $1,564,100.00.

RECOMMENDATION:

N/A

ATTACHMENTS:

None

CITY COUNCIL AGENDA
Regular Meeting: December 12, 2023

AGENDA ITEM: 6.f

A report to City Council on the use of Brownfield Lands.

SUBMITTED BY: Gary Paredez, Director of Infrastructure Services

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

The City Council has asked for a report on the application and use of Brownfields in the area. Specifically, the City Council is asking if Brownfield land in our surroundings can be used or redeveloped for beneficial uses to the City of Ingleside.

FISCAL ANALYSIS:

The EPA has specific guidelines established for testing and maintaining the redevelopment of Brownfields. The attached PowerPoint describes the specific procedures for testing and maintaining of Brownfields. The PowerPoint also gives examples of two places where Brownfields were successfully redeveloped for beneficial uses for the City. Once such development was in Meriden, Connecticut, where they repurposed the industrial complex into a city-wide greenway and flood control project. The other redevelopment was in Denver, Colorado, where they repurposed a hospital into a neighborhood.

The PowerPoint describes three scenarios for redevelopment, including private-led, public-led, and public-private partnerships. Each of these has its own procedures and funding mechanisms to accomplish the end goal. The EPA provides several programs offering resources, including Brownfield federal programs, community actions, setting the stage for leveraging, and cleaning up Brownfield under state response programs.

RECOMMENDATION:

N/A

ATTACHMENTS:

1. Brownfield

EPA-United States Environmental Protection Agency

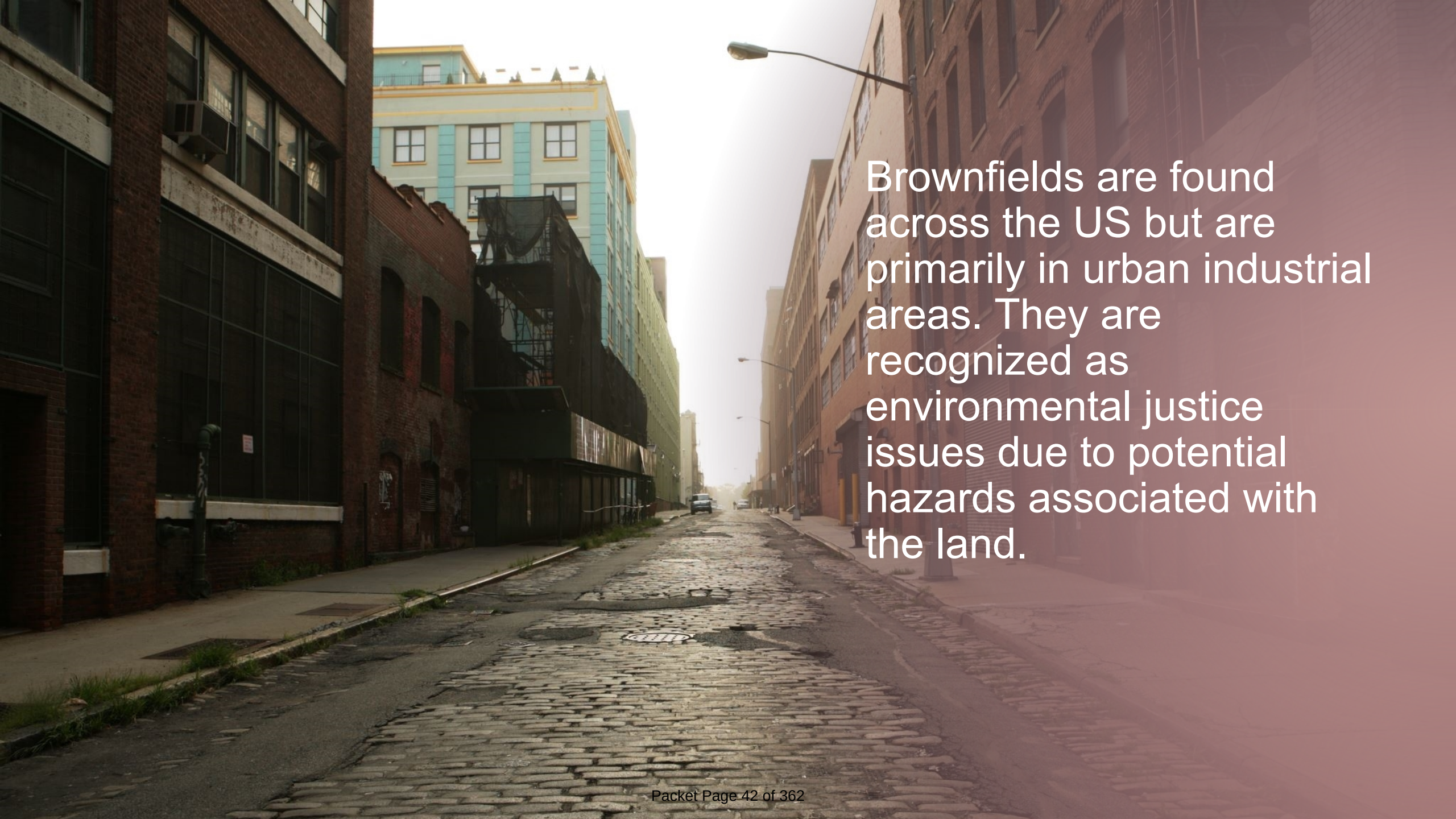
Anatomy of Brownfields Development

- BROWNFIELDS ARE PROPERTIES THAT MAY BE CONTAMINATED WITH HAZARDOUS SUBSTANCES.
- BROWNFIELD REFERS TO LAND THAT IS ABANDONED OR UNDERUTILIZED DUE TO POLLUTION FROM ENVIRONMENTAL CONTAMINATION.
- BROWNFIELDS ARE OFTEN DETERIORATED INFRASTRUCTURE. THESE PROPERTIES ARE KNOWN TO BE EYESORES AS WELL AS POTENTIAL HEALTH AND SAFETY CONCERNS.
- CLEANING UP AND REDEVELOPING A BROWNFIELD PROPERTY INCREASES THE TAX BASE, STIMULATES JOB CREATION AND CAN KICK-START NEIGHBORHOOD ACTIVITIES.
- A BROWNFIELD SITE CAN BE REDEVELOPED AND USED FOR NEIGHBORHOODS, PARKS, RETAIL OR MUNICIPAL FACILITIES.

Opportunities and Risks to Brownfields Redevelopment

Opportunities include prime locations, reduced purchase price, and existing infrastructure.

Risks or challenges include liability, cleanup and timing, financing, and weak demand.



Brownfields are found across the US but are primarily in urban industrial areas. They are recognized as environmental justice issues due to potential hazards associated with the land.

A brownfield site may be a former gas station, dry cleaners, abandoned factories or a former industrial property. A site is classified as a brownfield by having an environmental assessment done on the property to verify if it's contaminated. Lead, petroleum, and asbestos are the three most common contaminants found.

How can brownfields be cleaned?

THE CONTAMINATED SOIL IS DUG UP AND TRANSPORTED TO A LANDFILL. CLEAN SOIL IS BROUGHT IN TO FILL AND LEVEL THE AREA.

HUB SITE IN MERIDEN, CONNECTICUT

- The Meriden Hub is a 14-acre brownfield in downtown Meriden, a city of 60,000 people in central Connecticut. The site housed industrial operations beginning in the 1860's and retail and manufacturing uses through the 1990's. Major flooding prompted the city to explore repurposing the site as part of a city-wide greenway and flood control project. Because Meriden is a distressed city, the HUB site was in a weak market area with limited options for private financing.

SLOANS PROJECT IN DENVER, COLORADO

- St. Anthony’s Hospital operated from the late 1800’s until 2005, when it decided to relocate. The hospital’s closure presented an opportunity for redevelopment of the 19-acre site, which now serves as a catalyst for revitalization efforts in Denver’s surrounding West Colfax and Sloan’s Lake neighborhoods.

Brownfields Redevelopment Scenarios

Private-Led Brownfields Redevelopment: Most often occurs when property is in an area with favorable development potential. The developer is responsible for the redevelopment process such as private financing, may require some limited public investment to assess the contamination onsite, and completes all environmental cleanup activities, meeting the state's voluntary cleanup program requirements and other applicable federal or state regulations.

Public-Led Brownfields Redevelopment: Most often occur when there is little private-sector interest in a property because of market factors, or when environmental conditions, parcel size, parcel configuration or other factors limit potential development options. Typically, the municipality takes ownership of the property, conducts environmental site assessment and cleanup activities, to prepare the remediated property for construction activities and redevelop the site into a public use such as a park, school or municipal building.

Public-Private Partnership Brownfields Redevelopment: Occurs when there is an agreement between at least one public-sector entity and one private-sector organization to combine resources and efforts to accomplish a common goal. The public typically sponsors the project and provides initial funding, while the private-sector funds and manages the pre-development and construction process. These collaborations reduce the financial burden on the public sector.

Paying for Brownfield Redevelopment

EPA offers competitive grants to support brownfields assessment, planning and cleanup activities. Local governments, nonprofit organizations, states, and tribes are generally eligible to receive these grants.

EPA offers several helpful resources, including:

- The Brownfields Federal Programs
- Community Actions that Drive Brownfields Redevelopment
- Setting the Stage for Leveraging for Brownfields Redevelopment
- Cleaning up Brownfields Under State Response Programs: Getting to “No Further Action.”

CITY COUNCIL AGENDA
Regular Meeting: December 12, 2023

AGENDA ITEM: 8

Proclamation to recognize Alberto Lopez's Retirement.

SUBMITTED BY: Gary Paredez, Director of Infrastructure Services

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

Albert Lopez was hired by the City of Ingleside on June 1st, 2005. He retired in 2013 and rehired that same year. He has served the City for 18 years and has decided to retire.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

Information Only.

ATTACHMENTS:

1. Alber Lopez Proclamation 2023

PROCLAMATION

WHEREAS, Alberto Lopez was hired by the City of Ingleside on June 01, 2005; and

WHEREAS, Alberto Lopez retired in 2013; and

WHEREAS, Alberto Lopez was rehired that same year; and

WHEREAS, Alberto Lopez was rehired permanently on October 01, 2014; and

WHEREAS, Alberto Lopez has dedicated 18 years of service to the citizens of Ingleside; and

WHEREAS, Alberto Lopez has decided to retire from the City of Ingleside; and

WHEREAS, The citizens of Ingleside owe Alberto Lopez a great debt of appreciation for his services to the City.

NOW, THEREFORE, I Pedro Oscar Adame, Mayor of the City of Ingleside, Texas, proclaim December 12, 2023 as

"Alberto Lopez Day"

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City to be affixed on this 12th day of December 2023.

CITY OF INGLESIDE, TEXAS

_____

Pedro Oscar Adame, Mayor

ATTEST:

_____

Ruby Beaven, City Secretary

DRAFT

CITY COUNCIL AGENDA
Regular Meeting: December 12, 2023

AGENDA ITEM: 9

Presentation by James Doty on Potential Air Impacts of Future Industrial Expansion in the Ingleside, Texas Area.

SUBMITTED BY: Brenton Lewis, City Manager

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

James Doty, a former TCEQ employee in charge of air monitoring and optical gas imagery deployment in Texas, will make a presentation on Potential Air Impacts of Future Industrial Expansion in the Ingleside, Texas Area.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

Presentation Only.

ATTACHMENTS:

1. Tim Doty

James (Tim) Doty

President
TCHD Consulting, LLC

- ITC-Certified Level III Thermography, Certified PEC/Veriforce Instructor, Environmental consultant,
  Safety Consultant. 32 years in the environmental field.
  Provide professional, scientific, thermography, safety, and technical consulting services to a variety of customers including but not limited to topics related state and federal compliance.
  Serve as a certification instructor for optical gas imaging and general thermography training courses.
  Provide technical consulting services for environmental, oil and natural gas, and industrial-based clients.

Environmental Scientist
Texas Commission on Environmental Quality · Self-employed Jan 1990 - Aug 2018 · 28 yrs. Austin, Texas,

- Environmental Scientist with 31+ of state service in technical issues related to environmental assessments, ambient air monitoring, and multi-media equipment. Technical skills and leadership led to the creation of the Texas Commission on Environmental Quality (TCEQ) thermography program and to the development and improved efficiency of various monitoring strategies and mobile monitoring (MM) sampling platforms, investigations, and studies. Adept manager skilled in successfully hiring, training, and mentoring staff to produce high quality technical deliverables and monitoring data.

Skills: Environmental Health · Environment, Health, and Safety (EHS) · Environmental Monitoring · Environmental Impact Assessment · Environmental Science · Thermography/Optical Gas Imaging · Air Monitoring · Monitoring Instrumentation · Technical Training · Emergency Response/Safety · Data Validation · Technical Writing · Quality Assurance/Control · Standard Operating Procedures

Education: Texas State University. Masters of Applied Geography, Environmental Science

CITY COUNCIL AGENDA
Regular Meeting: December 12, 2023

AGENDA ITEM: 10

Presentation for an Update on the Port of Corpus Christi by Kent Britton, Chief Executive Officer.

SUBMITTED BY: Brenton Lewis, City Manager

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

Mr. Kent Britton, the Chief Executive Officer of the Port of Corpus Christi, will be in attendance to make a presentation to the City Council concerning the Port of Corpus Christi update.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

N/A

ATTACHMENTS:

1. Port of CC Presentation

Update on the Port of Corpus Christi

December 12, 2023

Ingleside City Council

Kent Britton | Chief Executive Officer

Presented by PORT CORPUS CHRISTI®

The Energy Port of the Americas

Who We Are

Independent political subdivision of the State of Texas

Large industrial energy hub and gateway to global markets

A landowner, a land developer and a landlord

Governed by seven commissioners appointed by City of Corpus Christi, Nueces County and San Patricio County

The Role of the Port of Corpus Christi

- Non-Federal Sponsor of the Corpus Christi Ship Channel Improvement Project
- Landlord for Economic Development Purposes
- Builder and Maintainer of Infrastructure

In all projects undertaken by the Port of Corpus Christi, leadership keeps the overriding principles of our Environmental Precepts and commitment to the community top of mind.

$5M
Reinvested in Surrounding Communities

PORT CORPUS CHRISTI

Our Business Approach

The Port of Corpus Christi

Our mission: To provide infrastructure for our customers and manage our waterways to facilitate commerce.

The Port of Corpus Christi generates revenue through:

- **Dockage**
- **Wharfage**
- **Land Leases**

The Port of Corpus Christi does not exercise taxing authority in the communities we serve.

PORT CORPUS CHRISTI®

The Energy Port of the Americas

By the Numbers

#1
U.S. Port by Annual Revenue Tonnage

#1
U.S. Crude Oil Gateway

#2
U.S. Port in LNG Exports | Estimated 808 Bcf in 2022

3rd Largest
Export Port for Crude Oil in the World

30,000+
Acres of Land Managed

$65B
In private investment over the last 8 years

95,448 FTE
Direct, indirect, and related positions | Over 40% of regional workforce

7,736
Vessels moved in 2022

$400M
Per day
goods value movement

Sources: U.S. Census Bureau; Port of Corpus Christi commercial data; Dr. Jim Lee, South Texas Economic Development Center at Texas A&M University-Corpus Christi

PORT CORPUS CHRISTI

Port of Corpus Christi Economic Impacts in Texas

The Energy Port of the Americas

Source: South Texas Economic Development Center at Texas A&M University-Corpus Christi

Economic Impact:

$18B

$13.4 billion for Coastal Bend

Personal Income:

$6B

$4.8 billion for Coastal Bend

28% increase from 2015 for Texas

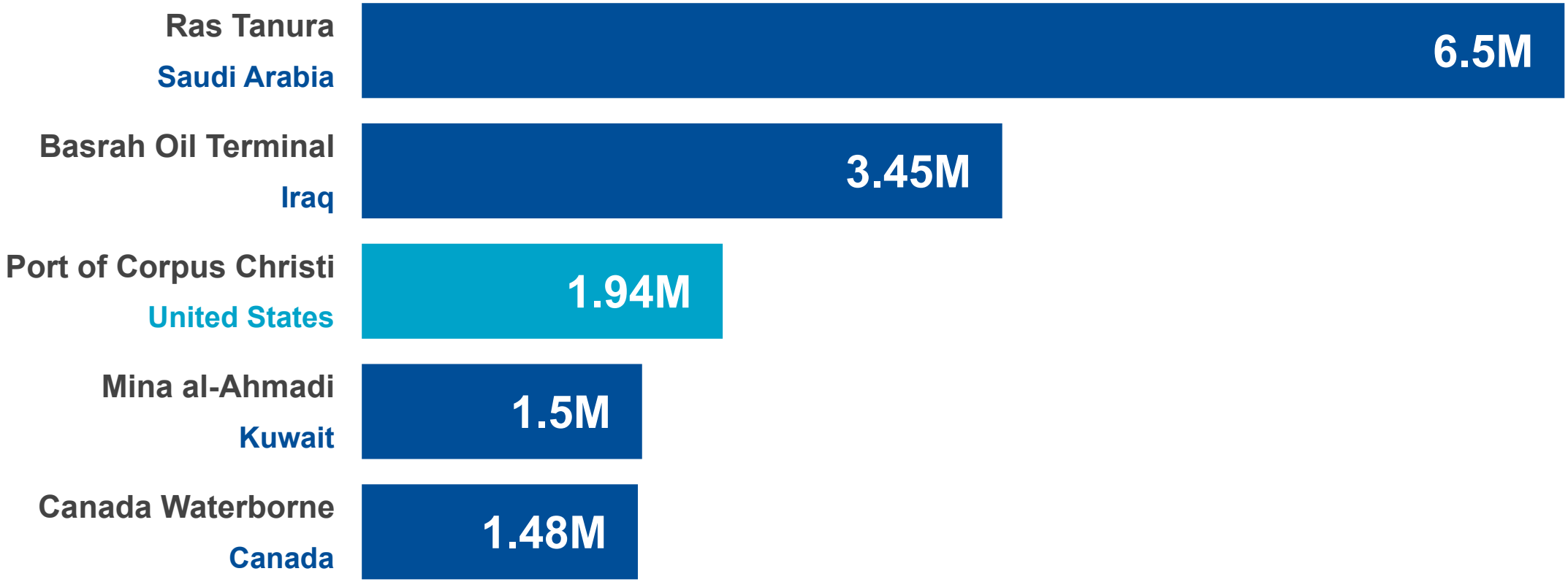
State and Local Taxes:

$431M

PORT CORPUS CHRISTI

Top 5 for Crude Oil Exports (bpd)

In 2022



PORT CORPUS CHRISTI®

The Port and its Customers

Hitting Milestones Together

17X

Increase in Crude Exports

since federal ban lifted in late 2015

18.0M

Tons Moved in August 2023

New monthly tonnage record

187.9M

Tons of Goods Exported

in 2022 (New annual record)

52.0M

Tons Moved in Q3 2023

New quarterly tonnage record

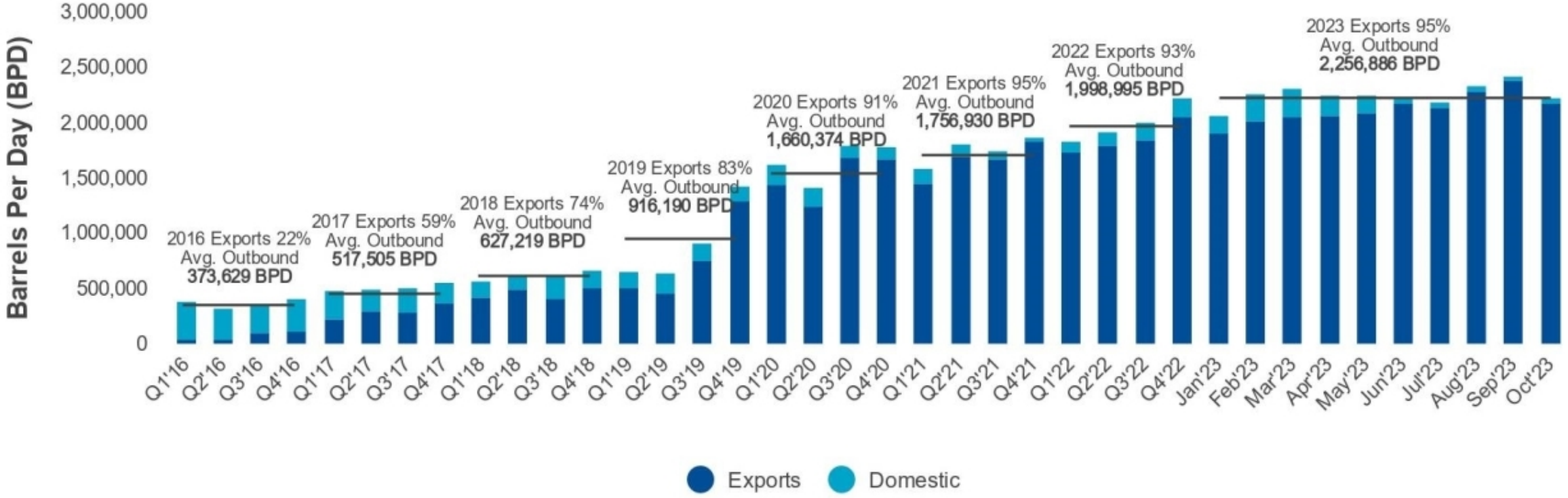
2.43M

Barrels of Crude Oil per Day in September 2023

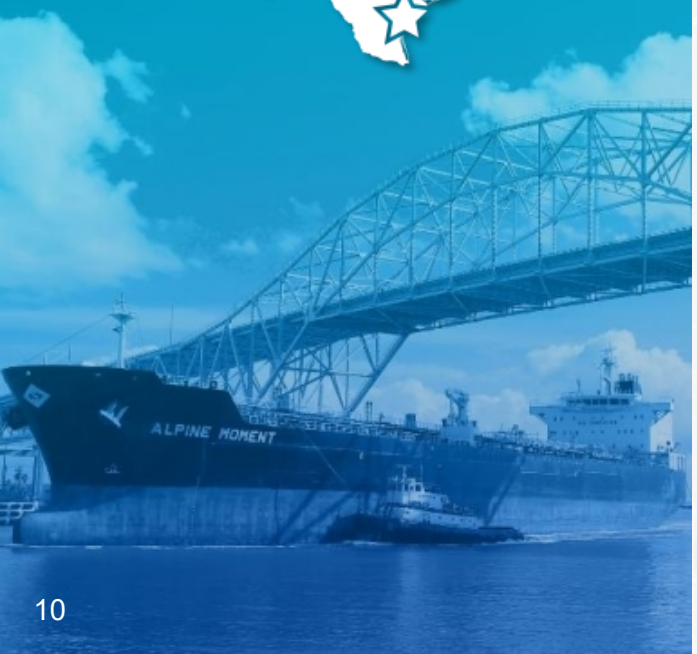
New monthly record

PCCA Crude Oil Outbound/Exports

2016-2023 YTD (Barrels Per Day-BPD)



Prolific Energy Gateway



Energy Supply

Traditional plus renewable including 8 GW wind within 50 miles

Skilled Workforce

Over 100K skilled workers currently employed in the energy sector

Land Development

1,000s of consolidated acres available for Hydrogen value-chain projects

Corpus Christi

Air Quality Compliance

Attainment status for federal ozone standards

Deep Draft Port

Deepest (-54 MLLW) draft and most improved ship channel on the Gulf Coast

Carbon Management Solutions

Developing scalable, centralized onshore and offshore geologic storage

PORT CORPUS CHRISTI

$65 Billion Capital Investments

($12 Billion Foreign Direct Investments)

PORT CORPUS CHRISTI

#1 Priority – The Channel Improvement Project

Main Channel and Barge Lane Elements

Project Cost

Current Authorized Costs

$681.61M

Federal
$406.34M

PCCA
$275.27M

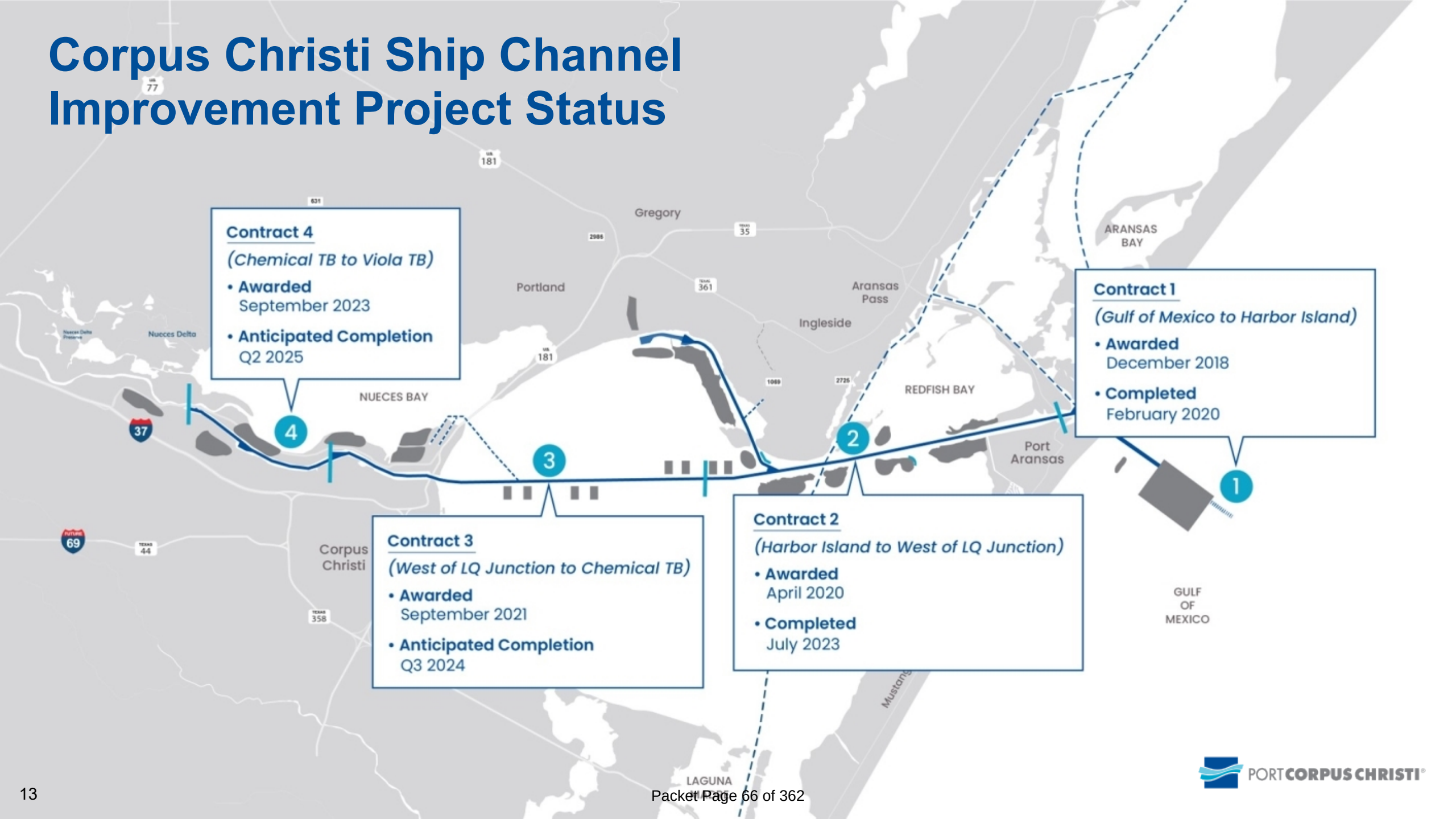
Project Close Out Amount

Consolidated Appropriations Act of 2023

$157.3M

PORT CORPUS CHRISTI

Corpus Christi Ship Channel Improvement Project Status



PORT CORPUS CHRISTI

Horizons Clean Hydrogen Hub

Will connect large-scale clean H2 production in the West South-Central U.S. with in-region, extra-regional and international end-users.

Existing Operations

Port customers already use H2 as part of the refining process

Energy Transition

Other industries may use H2 to help decarbonize natural gas power streams

Pipelines

Horizons Clean Hydrogen Hub projects will use and add to 110 miles of existing H2 pipelines

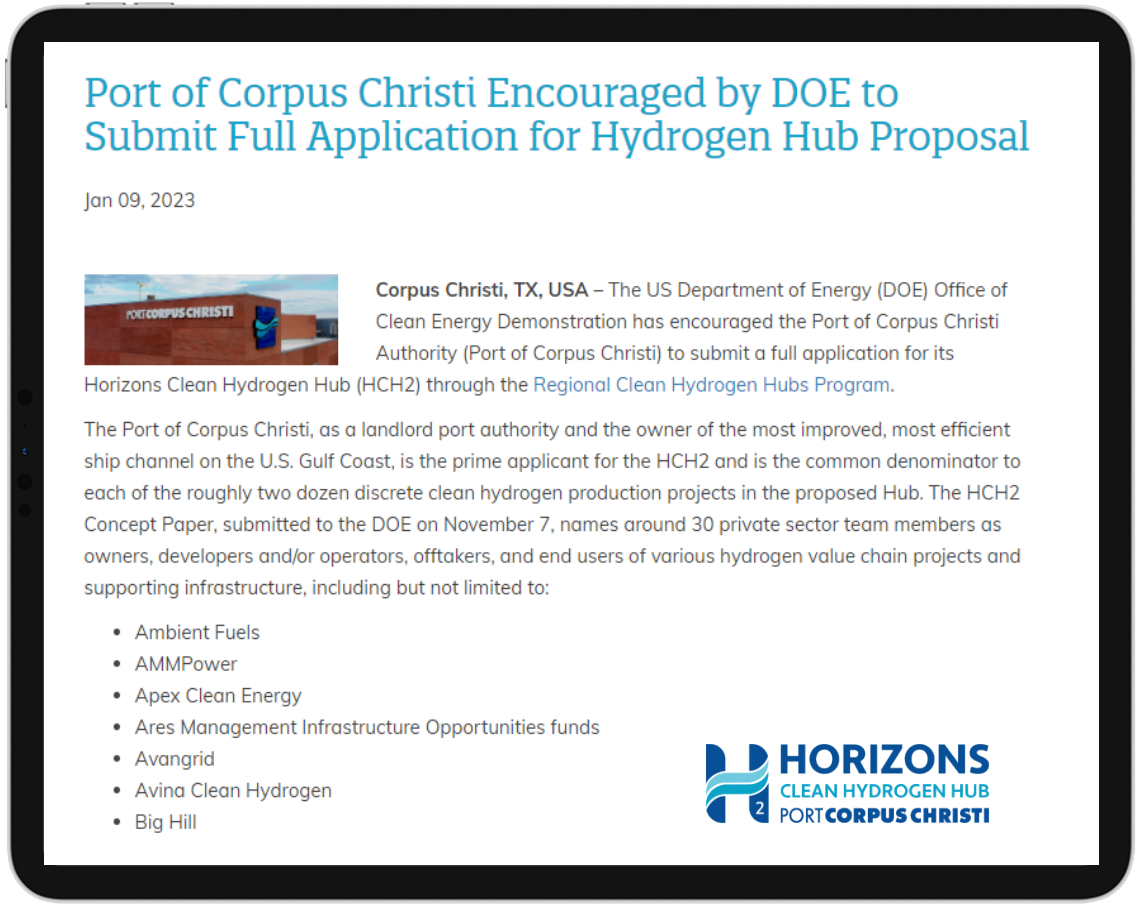
Partnerships

Partners include longstanding Port customers, along with well-capitalized and Port-vetted startups

Learn more at horizonshydrogenhub.com

PORT CORPUS CHRISTI

Horizons Clean H2 Hub



Port of Corpus Christi Encouraged by DOE to Submit Full Application for Hydrogen Hub Proposal

Jan 09, 2023

Corpus Christi, TX, USA – The US Department of Energy (DOE) Office of Clean Energy Demonstration has encouraged the Port of Corpus Christi Authority (Port of Corpus Christi) to submit a full application for its Horizons Clean Hydrogen Hub (HCH2) through the Regional Clean Hydrogen Hubs Program.

The Port of Corpus Christi, as a landlord port authority and the owner of the most improved, most efficient ship channel on the U.S. Gulf Coast, is the prime applicant for the HCH2 and is the common denominator to each of the roughly two dozen discrete clean hydrogen production projects in the proposed Hub. The HCH2 Concept Paper, submitted to the DOE on November 7, names around 30 private sector team members as owners, developers and/or operators, offtakers, and end users of various hydrogen value chain projects and supporting infrastructure, including but not limited to:

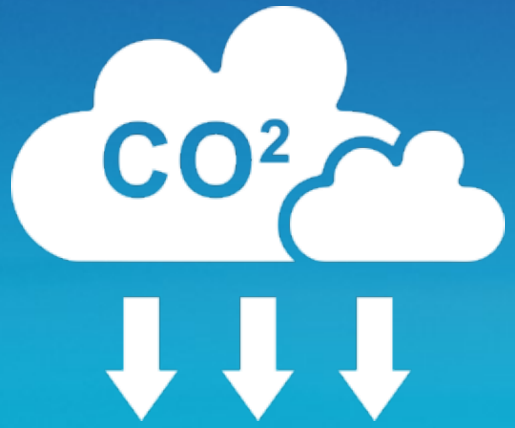
- Ambient Fuels
- AMMPower
- Apex Clean Energy
- Ares Management Infrastructure Opportunities funds
- Avangrid
- Avina Clean Hydrogen
- Big Hill

HORIZONS CLEAN HYDROGEN HUB PORT CORPUS CHRISTI

By the Numbers:

- $7B in federal funding for 7 Hubs
- Port was 1 of 3 designated “Hub Alternates”
- $993M requested
- 4-phased, 8-year (+) Hub implementation
- 24+ named private sector partners
- 11 named sub-recipients
- 12+ affiliated projects/activities

The Port of Corpus Christi's Role in CCUS



- Send clear signal to marketplace that centralized CCUS solution IS coming
- Cultivate CCU opportunities (new projects/Port customers)
- Identify/vet/permit route alternatives for CO2 delivery infrastructure
- Lease Port-owned pore space for CO2 injection and storage
- Facilitate logistical/commercial connections between emitters & CCS service providers
- Deploy Port capital to fund key infrastructure elements
- Pursue/leverage federal capital
- Advocate for appropriate state and federal policy
- Coordinate regional community benefits planning and implementation

PORT CORPUS CHRISTI

Proposed Port Security Center

The Port of Corpus Christi is exploring the possibility of a new Security Center in San Patricio County in collaboration with the surrounding communities.

Meet Officer Needs

Would allow Port PD officers to have briefings, exchange information, write reports and take breaks without having to travel back to main station.

Response Times

Respond more effectively and efficiently to Port customer needs in the area by having shorter response times to incidents both on land and water.

Increased Security Presence

Allow Port PD to have a marine asset located in San Patricio County for more complete patrol coverage and response.

HALO Flight Helipad

Possible HALO Flight helipad would be a community benefit, allowing for faster commute times to hospitals in the event of an emergency.

PORT CORPUS CHRISTI®

Our Commitment to Ingleside and San Patricio County

Port of Corpus Christi Areas of Impact

Community Vitality
Health Care & Safety
Education & Workforce Development
Economic Development
Sustainability & Environmental Stewardship

Thank you

PORT CORPUS CHRISTI®

CITY COUNCIL AGENDA
Regular Meeting: December 12, 2023

AGENDA ITEM: 11

Deliberate and take appropriate action on the second and final reading of an Ordinance amending Chapter 18 - Buildings and Building Regulations, Article I – In General, Article II – Construction Standards, Article III- Plumbing Standards, Article IV – Gas Standards, Article V – Mechanical Standards, Article VI – Electrical, Article VII – International Property Maintenance Code, Article VIII – Unsafe Buildings, Article IX - Swimming Pools, Article X – Floodplain Management, Article XI – Fences, Article XII – Building Numbering, Article XIII – Industrial Housing And Buildings And Article XIV – Wind Energy Conversion Systems, Ingleside Code of Ordinances and further providing for effective date, reading, severance, and publication.

SUBMITTED BY: Gene Delauro, Interim Building Official

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

The City of Ingleside adopted the 2012 International Code Family (I-Codes) for all commercial and residential buildings on December 16th, 2014. Existing construction requirements and processes outlined in Chapter 18 require updating to recognize current Texas Department of Insurance (TDI) windstorm regulations, Federal Emergency Management Agency (FEMA) regulations for construction in floodplain areas and revise outdated construction requirements.

Staff proposes to adopt the 2018 International Building Code, 2018 Residential Code for One- & Two-Family Dwellings, 2018 International Plumbing Code, 2018 International Fuel Gas Code, 2018 International Mechanical Code, 2018 International Property Maintenance Code, 2018 International Energy Conservation Code, 2018 International Existing Building Code, 2018 International Swimming Pool & Spa Code and the 2020 National Electric Code (NEC). The adoption of the 2018 I-Codes and 2020 NEC will align City of Ingleside construction standards with construction codes adopted by surrounding communities and ensure buildings and construction conform to the latest and best practices in the building industry. Key revisions include revised definitions, recognition of current Texas Occupations Code requirements for construction trades and revisions to contractor registrations, homeowner permits, fence requirements and wind energy conversion systems.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

The Planning & Zoning Commission met on Mayy 22, 2023 and recommended approval of the proposed revisions to Chapter 18 – Building and Building Regulations and the adoption of the 2018 International 2018 International Building Code, 2018 Residential Code for One- & Two-Family Dwellings, 2018 International Plumbing Code, 2018 International Fuel Gas Code, 2018 International Mechanical Code, 2018 International Property Maintenance Code, 2018 International Energy Conservation Code, 2018 International Existing Building Code, 2018 International Swimming Pool & Spa Code and the 2020 National Electric Code. Code Family (International Building Code, Residential Code, Plumbing Code, Fuel Gas Code, Mechanical Code, Property Maintenance Code, Energy Conservation Code, Existing Building Code, Swimming Pool & Spa Code and the 2020 National Electric Code to Chapter 18 – Building and Building Regulations to the Ingleside City Council.

ATTACHMENTS:

1. Ch 18 BUILDING AND BULDING REGULATIONS

ORDINANCE NO. 2023-___

AN ORDINANCE AMENDING CHAPTER 18- BUILDINGS AND BUILDING REGULATIONS, ARTICLE I – IN GENERAL, ARTICLE II – CONSTRUCTION STANDARDS, ARTICLE III- PLUMBING STANDARDS, ARTICLE IV – GAS STANDARDS, ARTICLE V – MECHANICAL STANDARDS, ARTICLE VI – ELECTRICAL, ARTICLE VII – INTERNATIONAL PROPERTY MAINTENANCE CODE, ARTICLE VIII – UNSAFE BUILDINGS, ARTICLE IX - SWIMMING POOLS, ARTICLE X – FLOODPLAIN MANAGEMENT, ARTICLE XI – FENCES, ARTICLE XII – BUILDING NUMBERING, ARTICLE XIII – INDUSTRIAL HOUSING AND BUILDINGS, AND ARTICLE XIV – WIND ENERGY CONVERSION SYSTEMS, INGLESIDE CODE OF ORDINANCES AND FURTHER PROVIDING FOR EFFECTIVE DATE, READING, SEVERANCE, AND PUBLICATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INGLESIDE, COUNTY OF SAN PATRICIO, STATE OF TEXAS:

Section 1. Amendment. Chapter 18- Buildings and Building Regulations, Article I – In General, Article II – Construction Standards, Article III- Plumbing Standards, Article IV – Gas Standards, Article V – Mechanical Standards, Article VI – Electrical, Article VII – International Property Maintenance Code, Article VIII – Unsafe Buildings, Article IX - Swimming Pools, Article X – Floodplain Management, Article XI – Fences, Article XII – Building Numbering, Article XIII – Industrial Housing and Buildings, and Article XIV – Wind Energy Conversion Systems Of The Ingleside Code Of Ordinances are hereby amended to read as follows, new matter being indicated by language and underscoring in red and deleted language by strikethrough in black.

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CHAPTER 18 – BUILDINGS AND BUILDING REGULATIONS

ARTICLE I. IN GENERAL

Sec. 18-1. - Responsible enforcing officials.

Whenever in the codes adopted by reference in this chapter, reference is made to the duties of certain officials named therein, the designated official of the city who has duties corresponding to those of the named official in such code shall be deemed to be the responsible official insofar as enforcing the provisions of such code are concerned. In particular, the building official of the city shall be the city official in charge of enforcement, under the city manager. The board of adjustment of the city shall be the entity to which all appeals provided under such codes are taken.

(1) The building official may delegate authority to other inspectors or other employees of the Development Services Department as may be required to carry out the building official's duties.

(2) The building official shall be responsible to the city manager, who is authorized to act in lieu of and with the same authority as the building official.

(3) The building official shall have the following powers:

a. Enforce the provisions of all adopted Codes under this Chapter and file complaints in municipal court against persons who violate any of its provisions.

b. Order electric or water service to be disconnected where improper or defective conditions create a potential public safety hazard.

c. Order compliance with this article where a change of occupancy occurs in a building which requires changes or alteration to an existing building.

d. Disconnect electrical service in cases of an emergency where necessary for the safety of persons or property or where electrical equipment may interfere with the work of the fire department.

e. Issue an order to a property owner to cease or desist doing any work until a permit is issued where a permit is required or where such work is otherwise being done in violation of this article.

Sec. 18-2. Application.

Forms; plan or diagram. Application for permits shall be made in writing on forms provided by the city for that purpose.

Sec. 18-3. Plans and specifications.

The Building Official, depending on the nature of the work to be performed, may require plans, specifications, and other supporting material. When such plans, specifications, or other materials are requested, they shall be submitted and approved prior to the issuance of a permit.

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Sec. 18-4. Application and permit fees.

(a) Before proceeding with the work, an applicant shall first file with the city an application requesting a permit to carry on such work and pay all fees to the city in accordance with the fee schedule for any work as established by resolution of the city council and listed in appendix A of this Code.

(b) Registration required. It shall be unlawful for any person to do construction work requiring a permit, unless the person has registered as a contractor with the City of Ingleside, Texas, except as otherwise provided in this article. Every contractor who shall make or sublet contracts for installation or repair for which a permit is required shall be registered and shall pay an annual fee.

(c) Registration period; fee. All registrations issued under the terms and conditions of this section shall expire each year on December 31, the date following the registration issuance date. The fee for such registration is established by resolution of the city council and printed in appendix A of the Ingleside City Code.

~~**Sec. 18-5. - Failure to comply with codes.**~~

~~Failure to comply with any section of any of the codes and/or failure to take out proper permits shall be unlawful and shall be punishable in accordance with section 1-14.~~

Sec. 18-56. - Penalty for failure to obtain permit.

Where work for which a permit is required by any code adopted or referenced in this chapter is started or proceeded with prior to making arrangements with the building official and obtaining any required permit, the fees specified or referenced in this chapter shall be doubled. The payment of such doubled fees shall not relieve any person from fully complying with the requirements of any code adopted or referenced in this chapter in the execution of the work.

Sec. 18-67. - Permit fees waived due to catastrophic events.

Upon declaration by the mayor of a natural disaster or catastrophic event affecting the citizens to the extent that temporary or permanent displacement from their homes or businesses is the result, the building official may waive the fees for building permits required for the repair or replacement of damaged property, including fees for plumbing, electrical, and mechanical permits for same. Contractor registration fees and required insurance coverage will not be waived; also, windstorm inspection requirements will remain in effect.

Sec. 18-7. - ~~Reserved.~~ Restrictions on employees.

No employee of the Development Service Department shall be financially interested in the furnishing of labor, material, or equipment for a project or in the making of plans or specifications therefor unless they are the owner of the property on which the installation is located or planned.

Sec. 18-8. – Reduced Permit fees.

All work must have a permit, but agencies of the federal, state, city and county governments are exempt from the payment of fees in connection with the construction or repair of a building used, owned, and located on property owned by the governmental agencies. Permit fees for public schools and other political subdivisions having ad valorem tax exempt status, and for churches, and all other state constitutionally exempted ad valorem tax entities shall be 50 percent of the regular fee. The permit fee shall not be less than the required minimum fee in all cases.

Sec. 18-9. – Homeowners Permit.

Permits shall be issued to a person performing work with their own hands in a single-family dwelling owned by the applicant and claimed as their homestead on one's own homestead, as determined by San Patricio County Homestead exemption status, performed only by the person owning such homestead. The work must meet code regulations, be inspected, and have all fees paid.

Sec. 18-10. After a fire.

An inspection shall be conducted by the Building Official or Fire Marshall of any building or structure that has been damaged by fire.

Sec. 18-11. For parts of jobs.

(a) When a Contractor completes work, in whole or in part, on any portion of a building or site, and a second Contractor is called upon to complete the work, in whole or in part, a separate permit is required for which regular fees shall be paid for the work to be done. Each Contractor shall be held responsible only for the work installed by them.

(b) Before the second Contractor is issued a permit for the completion of the work, the inspector shall first notify the Contractor holding the original or first permit, if they can be found, that the second permit is proposed to be issued.

(c) The issuance of the second permit shall cancel the first permit, and no refund of fees for such cancelled permit shall be made.

Secs. 18-12—18-25. Reserved.

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ARTICLE II. CONSTRUCTION STANDARDS

Sec. 18-26. Building code—Adoption.

The International Building Code 2012~~2~~8 including Appendices C, F, G, H, I, ~~and~~ J, and N as published by the International Code Council, is hereby adopted as the building code of the city with certain enumerated additions in section 18-27. A copy of the International Building Code 2012~~2~~8 shall be retained on file in the office of the city secretary, with the enumerated exceptions and/or deletions.

Sec. 18-27. Same—Amendments and deletions.

The building code adopted in section 18-26 is amended as follows:

Section 101.1 Title. These regulations shall be known as the Building Code of the City of Ingleside.

Section 1612.3 Establishment of flood hazard areas. The flood hazard and map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Control ~~Insurance~~ Study prepared by Naismith Engineering for the San Patricio Drainage District ~~for the~~ dated December 20, 2019, as amended or revised with the accompanying Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto.

Section 105.1 is amended by adding the following subsection:

105.1a. No building permits shall be issued for work on, no utility connection shall be made for utility service to, and no utilities or utility service may be provided to or for any property which is not in compliance with the zoning regulations of the city.

~~105.1b. Homeowner's exemption.~~

~~(1) A homeowner shall not be required to secure a permit when:~~

~~a. The work is on his own primary residence as determined by San Patricio County Homestead exemption status;~~

~~b. He does the work with his own hands;~~

~~c. The work does not exceed $250.00 cost; and~~

~~d. None of the work is structural.~~

~~(2) A homeowner may take out or secure a permit provided:~~

~~a. The work is on his own primary residence as determined by San Patricio County homestead exemption status; and~~

~~b. He does the work with his own hands or licensed/registered contractors do the work.~~

~~(3) All work coming within this section must comply with city codes and is subject to the same inspection process as construction which does not come under this section.~~

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~~105.1 c Registration required. It shall be unlawful for any person to do construction work, unless the person has registered as a contractor with the City of Ingleside, Texas, except as otherwise provided in subsection. Every contractor who shall make or sublet contracts for installation or repair for which a permit is required shall be registered and shall pay an annual fee. To secure a registration, the applicant must meet the following requirements:~~

~~(1) All subcontractors including project managers and superintendents and work regarding concrete, masonry, framing, roofing, fence building, piling contractors, site work, paving for parking lot and driveways shall obtain an annual subcontractor's registration and pay the fee as established by resolution of the city council and printed in appendix A of the Ingleside City Code.~~

~~105.1 d. Registration period; fee. All registrations issued under the terms and conditions of this section and section 105.1 shall expire each year on December 31 following the issuance date. The fee for such registration is established by resolution of the city council and printed in appendix A of the Ingleside City Code.~~

Section 112~~2~~3.1 is amended to read as follows:

The Board of Adjustment of the City of Ingleside, which has been established pursuant to Charter §§ 10.05 and 10.06 and which functions as the board of adjustment under the zoning ordinance of the city and under V.T.C.A., Local Government Code §§ 211.008 through 211.010, is hereby designated as the appellate body to hear appeals and, where appropriate, to grant special exceptions and variances under the code adopted in section 18-26 of the Ingleside City Code, and any provision in the code in conflict is hereby repealed.

All requirements and rules concerning the appropriate appellate body, its constitution and make up, the number, appointment, qualifications and terms of office of members, quorum and voting requirements, vacancies and filling of vacancies, duties, power and authority of the body, and all procedural and other rules regarding the taking of appeals to or from and hearings before such body shall be the same for all matters arising under this code as they are for all matters arising under the zoning code and regulations. Those requirements and rules are set forth in the rules of procedure adopted by the board of adjustment to govern its own procedures.

Section 202 is amended by adding the following definitions:

Building contractor means, includes, and shall be construed to mean and include all persons, companies, or corporations, as well as their agents or employees who engage in the business of contracting building work for residential or commercial buildings and installations in the City of Ingleside, ~~San Patricio County~~, Texas, whether or not such business is a full-time business or a part-time business, and contractors shall be registered. ~~as per section 105.1 c.~~

~~*Concrete contractor* means, includes, and shall be construed to mean and include all persons, companies or corporations who work only with concrete. Dry wall contractor means, includes, and shall be construed to mean and include all persons, companies or corporations who specialize in the installation of sheetrock, or anything related to the use of sheetrock.~~

~~*General contractor* means, includes, and shall be construed to mean and include all persons, companies, or corporations, engaged in general construction, except for roads or streets.~~

~~*Masonry contractor* means, includes, and shall be construed to mean and include all persons, companies or corporations who specialize in the laying of block, bricks, or stone.~~

~~*Piling contractor* means, includes, and shall be construed to mean and include all persons, companies or corporations who specialize in putting in and/or repairing piling for home or docks.~~

~~*Remodeling and/or repairs contractor* means, includes, and shall be construed to mean and include all persons, companies or corporations who engage in repair and/or remodeling work only.~~

~~*Roofing contractor* means, includes, and shall be construed to mean and include all persons, companies or corporations who specialize in putting on and/or repairing roofs.~~

~~*Section 1507.8* is amended by adding the following paragraph:~~

~~No structure shall be constructed within the city limits of the City of Ingleside using wooden shakes or shingles unless such wooden shakes or shingles are treated with fire retardant and approved by the city building official. Any repairs done on existing structures which are nonconforming must be done with conforming materials.~~

~~*Appendix D, Fire district,* is deleted and not adopted.~~

Commercial construction requirements.

All commercial structures built on sites shall use new materials certified by a nationally recognized agency as being appropriate for their use and must conform to all required codes.

(1) Existing buildings for commercial use that are to be remodeled shall also use new nationally certified materials.

(2) Preassembled structures intended for commercial use must also conform to all applicable codes, and the owner or contractor of such structures must secure a permit prior to use or being brought into the city limits of the City of Ingleside.

(3) Movers of preassembled commercial structures shall provide moving documents including, but not limited to, path of travel, state permit, license and state or city required insurance, but not less than the amount of $300,000.00 of general liability. All preassembled buildings shall be placed on a permanent foundation engineered by a Texas registered professional engineer.

(4) All new commercial foundation construction must meet the minimum finished floor elevation of a height of not less than 12 inches above the crown of the road using the center of the foundation for location purposes.

(5) For all commercial construction or expansion that raises the natural grade 12 inches or more, a drainage plan engineered by a Texas registered professional engineer shall be included in the plan submission that includes a site plan showing existing grade and a site plan showing proposed finish grade with fill.

Sec. 18-28. International Residential Code—Adopted.

The International Residential Code 2012~~8~~8 as published by the International Code Council including Appendices A, B, C, E, G, H, J, M, N, P and T, is hereby adopted as the one- and two-

family dwelling code of the city with certain enumerated exceptions in section 18-29. A copy of the International Residential Code 2012~~8~~ shall be retained on file in the office of the city secretary, with the enumerated exceptions and/or deletions.

Sec. 18-29. Same—Amendments and deletions.

The International Residential Code 2012~~8~~ adopted in section 18-28 is amended to read as follows:

Section 101.1 Title. These provisions shall be known as the Residential Code for One- and Two-family dwellings of the City of Ingleside and shall be cited as such and will be referred to herein as "this code".

Section P2603.5.1 Sewer Depth. Building sewers that connect to private sewage disposal systems shall be not less than 12 inches below finished grade at the point of septic tank connection. Building sewers shall be not less than 12 inches below grade.

Table R301.2 (1) Climate and Geographic Design Criteria is amended to read as follows.

Buildings shall be constructed in accordance with the provisions of this code as limited by the provisions of this section. Additional criteria shall be established by the local jurisdiction and set forth in Table R301.2(1).

TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Ground Snow Load	Wind Design				Seismic Design Category	Subject to Damage From			Winter Design Temp[e]	Ice Barrier Underlayment Required[h]	Flood Hazards[g]	Air Freezing Index[i]	Mean Annual Temp[j]
	Speed[d] (mph)	Topographic effects[k]	Special wind region[l]	Wind-borne debris zone[m]		Weathering[a]	Frost line depth[b]	Termite[c]					
0	147	None	Yes	Yes	A	Negligible	0	Very High	38	No	Yes	5	50

MANUAL J DESIGN CRITERIA[n]							
Elevation	Latitude	Winter heating	Summer cooling	Altitude correction factor	Indoor design temperature	Design temperature cooling	Heating temperature difference
13	27° 52' 40.08" N	38	95	NA	70.0	25.0	32
Cooling temperature difference	Wind velocity heating	Wind velocity cooling	Coincident wet bulb	Daily range	Winter humidity	Summer humidity	
12			77.9	M	50%	50%	12

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

~~*Section R101.2 scope* is amended by the addition of the following paragraph:~~

~~All construction for one- and two-family units shall be built to this code, unless the state board of insurance windstorm resistant construction standards require more, in which event the stricter standard shall be complied with.~~

Section R112 is amended to read as follows:

The Board of Adjustment of the City of Ingleside, which has been established pursuant to Charter Sections 10.05 and 10.06 and which functions as the Board of Adjustment under the zoning ordinance of the city and under V.T.C.A., Local Government Code, §§ 211.008 through 211.010, is hereby designated as the appellate body to hear appeals and, where appropriate, to grant special exceptions and variances under the code adopted in section 18-28 of the Ingleside City Code, and

any provision in the code in conflict is hereby repealed.

All requirements and rules concerning the appropriate appellate body, its constitution and make up, the number, appointment, qualifications and terms of office of members, quorum and voting requirements, vacancies and filling of vacancies, duties, power and authority of the body, and all procedural and other rules regarding the taking of appeals to or from and hearings before such body shall be the same for all matters arising under this code as they are for all matters arising under the ~~zoning~~ code and regulations. Those requirements and rules are set forth in the rules of procedure adopted by the board of adjustment to govern its own procedures.

~~*Chapter 11, Energy Code* is deleted and not adopted.~~

Sec. 18-30. State board of insurance, windstorm resistant construction standards.

The Texas Revisions to the International Building and Residential Codes as adopted by or may be amended by the Texas Department of Insurance are hereby adopted.

~~The state board of insurance windstorm construction standards are hereby adopted with the exception of sections 372—472 covering seaward construction guidelines which are not adopted.~~

Sec. 18-31. Energy Code adopted.

The International Energy Conservation Code 2015~~5~~8 Edition ~~for commercial, industrial, and residential buildings over three stories and Chapter 11 of the International Residential Code 2012 Edition, for residential construction of one- and two-family dwellings~~, as published by the International Code Council, is hereby adopted. ~~with certain enumerated exceptions set forth in section 18-32~~. A copy of the International Energy Conservation Code 2015~~5~~8 Edition ~~and Chapter 11 of the International Residential Code 2012 Edition~~ shall be retained in the office of the city secretary~~, with the enumerated exceptions and/or deletions~~.

~~**Sec. 18-32. Amendments and deletions.**~~

~~The International Energy Conservation Code 2015 Edition and Chapter 11 of the International Residential Code 2012 Edition, adopted in section 18-31., is amended as follows: None at this time.~~

Sec. 18-33~~2~~. Residential construction requirements.

~~All residential structures built on sites shall use new materials certified by a nationally recognized agency as being appropriate for their use and must conform to all required codes.~~

~~(1) Existing buildings for residential use that are to be remodeled must also use new nationally certified materials. Preassembled structures intended for residential use must also conform to all applicable codes, and the owner or contractor of such structures must secure a permit prior to use or being brought into the city limits of the City of Ingleside.~~

~~(2)~~(1) Movers of preassembled residential structures shall provide moving documents including, but not limited to, path of travel, state permit, license and state or city required insurance, but not less than the amount of $300,000.00 of general liability. All preassembled buildings shall be placed on

a permanent foundation engineered by a Texas registered professional engineer.

~~(3) Buildings constructed for purposes other than living space may be exempted from the engineered foundation requirement after review by the building official.~~

~~(4)~~(2) For projects not in a regulated flood zone, all ~~All~~ new residential foundation construction must meet the minimum finished floor elevation of a height of not less than 12 inches above the crown of the road using the center of the foundation for location purposes.

a. Manufactured homes being installed in subdivisions zoned for such applications (T1-B or T1-C) are exempt from this section.

~~(5)~~(3) For all residential construction or expansion that raises the natural grade 12 inches or more, a drainage plan shall be included in the plan submission that includes a site plan showing existing grade and a site plan showing proposed finish grade with fill.

Secs. 18-3~~5~~3—18-40~~1~~. Reserved

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Article III – Existing Building Code

Sec. 18-42. – Code—Adopted.

The International Existing Building Code 2018 Edition including Appendices B, C, C1, C2, I, as published by the International Code Council, is hereby adopted as the existing building code of the city with certain enumerated additions in section 18-42. A copy of the International Existing Building Code 2018 Edition shall be retained on file in the office of the city secretary, with the enumerated exceptions and/or deletions.

Sec. 18-43. – Same—Amendments and deletions.

The International Existing Building Code adopted in section 18-41 is amended as follows:

Section 101.1 Title. These regulations shall be known as the Existing Building Code of the City of Ingleside.

Section 112.1 is amended to read as follows:

The Board of Adjustment of the City of Ingleside, which has been established pursuant to Charter §§ 10.05 and10.06 and which functions as the board of adjustment under the zoning ordinance of the city and under V.T.C.A., Local Government Code §§ 211.008 through 211.010, is hereby designated as the appellate body to hear appeals and, where appropriate, to grant special exceptions and variances under the code adopted in section 18- 26 of the Ingleside City Code, and any provision in the code in conflict is hereby repealed.

All requirements and rules concerning the appropriate appellate body, its constitution and make up, the number, appointment, qualifications and terms of office of members, quorum and voting requirements, vacancies and filling of vacancies, duties, power and authority of the body, and all procedural and other rules regarding the taking of appeals to or from and hearings before such body shall be the same for all matters arising under this code as they are for all matters arising under the zoning code and regulations. Those requirements and rules are set forth in the rules of procedure adopted by the board of adjustment to govern its own procedures.

Secs. 18-44—18-50. Reserved.

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ARTICLE ~~H~~IV. PLUMBING STANDARDS

Sec. 18-51. Code adopted.

The International Plumbing Code 201~~2~~8, including Appendices, as published by the International Code Council, is hereby adopted as the plumbing code of the city with certain enumerated exceptions in section 18-52. A copy of the International Plumbing Code 201~~2~~8 shall be retained on file in the office of the city secretary, with the enumerated exceptions and/or deletions.

Sec. 18-52. Amendments and deletions.

The ~~plumbing~~ International Plumbing Code adopted in section 18-51 is amended as follows:

Section 101.1 Title. These regulations shall be known as the Plumbing Code of the City of Ingleside herein after referred to as "this code".

Section 106.1 is amended by adding the following: ~~subsection:~~

~~106.1.1.~~ Master, journeyman, and apprentice plumbers must be licensed by the State of Texas. The~~y~~ Master Plumber must register with the ~~city inspection~~ department, giving their license type, number, and home address. Only a Responsible Master plumber or their ~~his~~ agent may take out a permit to do work as per Texas State Plumbing Board Laws and Regulations.

Section 109.2 is amended to read as follows:

The board of adjustment of the City of Ingleside, which has been established pursuant to Charter §§ 10.05 and 10.06 and which functions as the board of adjustment under the zoning ordinance of the city and under V.T.C.A., Local Government Code §§ 211.008 through 211.010, is hereby designated as the appellate body to hear appeals and, where appropriate, to grant special exceptions and variances under the code adopted in section 18-51 of the Ingleside City Code, and any provision in the code in conflict is hereby repealed.

All requirements and rules concerning the appropriate appellate body, its constitution and make up, the number, appointment, qualifications and terms of office of members, quorum and voting requirements, vacancies and filling of vacancies, duties, power and authority of the body, and all procedural and other rules regarding the taking of appeals to or from and hearings before such body shall be the same for all matters arising under this code as they are for all matters arising under the zoning code and regulations. Those requirements and rules are set forth in the rules of procedure adopted by the board of adjustment to govern its own procedures.

Section 701.2 is amended to include:

Septic systems ~~tanks~~ must be permitted and inspected by the San Patricio County Health Department. Septic tanks shall be installed according to state department of health guidelines by an installer certified by the state.

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Appendix A is amended in its entirety to read as follows:

Permit fees shall be established by resolution of the city council and printed in appendix A of the Ingleside City Code.

Secs. 18-53—18-75. Reserved.

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ARTICLE ~~I~~V. GAS STANDARDS

Sec. 18-76. Code adopted.

The International Fuel Gas Code 201~~2~~8 including Appendices, as published by the International Code Council, is hereby adopted as the fuel gas code of the city with certain enumerated exceptions in section 18-77. A copy of the International Fuel Gas Code 201~~2~~8 shall be retained on file in the office of the city secretary, with the enumerated exceptions and/or deletions.

Sec. 18-77. Amendments and deletions.

The ~~gas~~ International Fuel Gas Code adopted in section 18-76 is amended as follows: Section 101.1 is amended as follows:

Section 101.1 Title. These regulations shall be known as the Fuel Gas Code of the City of Ingleside, hereinafter referred to as "this code".

Section 106.1 is amended by adding the following:

106.1.1. Contractors must be Texas licensed plumbers ~~for natural gas~~ or licensed by the Texas railroad commission L.P.G. Division for installation of L.P. gas.

Section 109.2 is amended to read as follows:

The board of adjustment of the City of Ingleside, which has been established pursuant to Charter §§ 10.05 and 10.06 and which functions as the board of adjustment under the zoning ordinance of the city and under V.T.C.A., Local Government Code §§ 211.008 through 211.010, is hereby designated as the appellate body to hear appeals and, where appropriate, to grant special exceptions and variances under the code adopted in section 18-76, and any provision in the code in conflict is hereby repealed.

All requirements and rules concerning the appropriate appellate body, its constitution and make up, the number, appointment, qualifications and terms of office of members, quorum and voting requirements, vacancies and filling of vacancies, duties, power and authority of the body, and all procedural and other rules regarding the taking of appeals to or from and hearings before such body shall be the same for all matters arising under this code as they are for all matters arising under the zoning code and regulations. Those requirements and rules are set forth in the rules of procedure adopted by the board of adjustment to govern its own procedures.

~~*Appendix E*~~ Section 106.6.2 is amended in its entirety to read as follows:

Permit fees shall be established by resolution of the city council and printed in appendix A of the Ingleside City Code.

Secs. 18-78—18-100. Reserved.

ARTICLE VI. MECHANICAL STANDARDS

Sec. 18-101. Code adopted.

The International Mechanical Code 2012~~2~~8, including Appendices, as published by the International Code Council is hereby adopted as the mechanical code of the city with certain enumerated exceptions in section 18-102. A copy of the International Mechanical Code 2012~~2~~ 8 shall be retained on file in the office of the city secretary, with the enumerated exceptions and/or deletions.

Sec. 18-102 ~~– 18-120. Reserved.~~ Amendments and deletions.

Section 101.1 Title is amended to read as follows:

These regulations shall be known as the Mechanical Code of the City of Ingleside, hereinafter referred to as "This Code".

Section 106.1 is amended by adding the following: ~~subsection:~~

In accordance with the Texas Department of Licensing and Regulation, Section 106.1.1. Occupations Code, Title 8, Regulation of Environmental and Industrial Trades, Mechanical Contractors must be licensed as required by the Air Conditioning and Refrigeration Contractor License Law. Mechanical Contractors and must register with the department. Only a Texas licensed Mechanical Contractor, or their authorized agent may obtain a mechanical permit.

Section 109.2 is amended to read as follows:

The board of adjustment of the City of Ingleside, which has been established pursuant to Charter §§ 10.05 and 10.06 and which functions as the board of adjustment under the zoning ordinance of the city and under V.T.C.A., Local Government Code §§ 211.008 through 211.010, is hereby designated as the appellate body to hear appeals and, where appropriate, to grant special exceptions and variances under the code adopted in section 18-101 of the Ingleside City Code, and any provision in the code in conflict is hereby repealed.

All requirements and rules concerning the appropriate appellate body, its constitution and make up, the number, appointment, qualifications and terms of office of members, quorum and voting requirements, vacancies and filling of vacancies, duties, power and authority of the body, and all procedural and other rules regarding the taking of appeals to or from and hearings before such body shall be the same for all matters arising under this code as they are for all matters arising under the zoning code and regulations. Those requirements and rules are set forth in the rules of procedure adopted by the board of adjustment to govern its own procedures.

Appendix B and Section 106.5.2 Fee schedule is amended in its entirety to read as follows:

Permit fees shall be established by resolution of the city council and printed in appendix A of the Ingleside City Code.

Secs. 18-103—18-120. Reserved.

ARTICLE VII. ELECTRICAL

DIVISION 1. - GENERALLY

Sec. 18-121. Scope and purpose of article.

(a) The National Electrical Code 20~~14~~20 adopted in section 18-246 shall govern all installations of electrical conductors or equipment hereafter made, and all existing installations which are altered, or for which the use has changed. Repair and maintenance work shall be such that if any electrical conductor or equipment is removed and later replaced, the same shall be replaced in accordance with the provisions of this article.

(b) The purpose of this article is to reduce the personal and fire hazards from electrical causes and to establish licensing, permit, and inspection procedures to ensure quality electrical work. To accomplish this, the requirements set forth in this article are intended to be minimum standards for electrical work.

Sec. 18-122. 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:

~~Chief~~ Inspector means the ~~city~~ building official or other employee of the city appointed by the city manager.

Electrical work means any act in connection with the installing, altering, or repairing of electrical wires, conduits, apparatus, or other electrical energy, which act ordinarily requires the use of tools.

Maintenance means the act of keeping in a state of safety inside or outside, attached or connected to any building electrical system by replacement of units or elements, but shall not include additions to or replacement of an existing system or branch.

Readily accessible means, as applied to the service disconnecting mean in Article 230-72(c) of the National Electrical Code, the service disconnecting mean shall be located no farther than 24 inches from the point of entrance of the service and on the outside of the building.

Sec. 18-123. Responsibility for safe work; liability.

This article shall not be construed to relieve from or lessen the responsibility or liability of any person owning, operating, or installing electrical conductor devices, appliances, fixtures, apparatus, motors or equipment for damages to persons or buildings caused by any defect therein, nor shall the city be held liable for any damages by reason of enforcement of this article.

Sec. 18-124. Penalty for violation of article.

It shall be unlawful for any person as owner, agent, lessee, renter or otherwise to violate, disobey or refuse to comply with or resist or oppose the enforcement of this article. It shall be unlawful for any person to occupy or maintain any building or structure in which the electrical

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work, wiring or appliances are in violation of this article. Any person who commits any acts declared to be unlawful or fails to perform any act required by this article shall be subject to the provisions of section 1-14. Any electrical installation erected or altered in violation of this article shall be summarily condemned and removed at the expense of the person erecting, altering, or allowing the same.

Sec. 18-125. Electrical service connections.

(a) It shall be unlawful for any person to make connections from a source of electrical energy to any electrical wiring device or equipment which has been disconnected by order of the electrical inspector or the use of which has been prohibited for reasons set forth in this article until a certificate of approval has been issued by the inspector authorizing the reconnection and use of such wiring devices or equipment. The chief inspector or ~~his~~ the authorized agent shall then notify ~~Central~~ American Electric Power ~~and Light Company~~ and authorize the permanent service to be connected.

(b) It shall be unlawful for any unauthorized person to disconnect from any service, except in cases of emergency.

Sec. 18-126. Service of notice.

(a) If the person to whom any order or notice issued pursuant to the provisions of this article cannot be found after reasonable search has been made for ~~him~~ them, then such order or notice may be served by posting it in a conspicuous place upon the premises occupied by ~~him~~ them, the premises where the defects recited in the order or notice are alleged to exist or on the premises which are deemed unsafe or dangerous. Such service shall be equivalent to personal serving of such order or notice.

(b) An order to comply with the term of such order or notice may be sent by mail in a sealed envelope with postage prepaid and directed to the address of the owner, lessee, or occupant of the premises where the effects recited in the order are alleged to exist and shall be equivalent to the personal service of such order.

~~**Sec. 18-127. Actions for injunction.**~~

~~In addition to the penal remedy, the city attorney shall upon the direction of the city council institute any appropriate action or proceeding including actions for injunction to prevent, restrain, correct or abate any act, conduct, work, business or practice which is a violation and illegal under this article.~~

~~**Sec. 18-128. Supervision of and responsibility for work.**~~

~~In the actual work of installing, maintaining, altering, or repairing any electric conductors or equipment for which a permit is required by this article, there shall be present and in direct supervision a qualified electrician of proper classification. It shall be required that a master electrician be liable and responsible for layout and technical supervision of any work which has required the securing of a permit, and a journeyman or master electrician shall be in direct on the job supervision of all work permitted. No more than four apprentices may be under a master's or~~

~~journeyman's supervision at one time on any one electrical installation.~~

Secs. 18-1297—18-140. Reserved.

DIVISION 2. - RESERVED

Secs. 18-141—18-160. Reserved.

DIVISION 3, - INSPECTORS

~~**Sec. 18-161. Building official.**~~

~~(a) The building official is hereby designated as the person responsible for the administration and enforcement of this article and who shall discharge the duties and have the authority hereafter provided.~~

~~(b) The building official may delegate authority to other inspectors or other employees of the building inspection department as may be required to carry out his building official duties.~~

(c) ~~The building official shall be responsible to the city manager, who is authorized to act in lieu of and with the same authority as the building official.~~

~~**Sec. 18-162. Powers.**~~

~~(a) The building official and electrical inspectors shall have the following powers:~~

~~(1) Enforce the provisions of this article and file complaints in municipal court against persons who violate any of its provisions.~~

~~(2) Enter any house or premises during reasonable hours while any electrical wiring or fixtures or equipment is being installed to examine any electrical wiring or installation of electrical wiring, fixtures, or equipment therein in the performance of his official duties.~~

~~(3) Order electrical service disconnected where improper or defective wiring exists or where electrical construction or equipment has been installed without a permit as required by this article.~~

~~(4) Order compliance with this article where a change of occupancy occurs in a building which requires changes or alteration to the existing building.~~

~~(5) Disconnect electrical service in cases of emergency where necessary for the safety of persons or property or where electrical equipment may interfere with the work of the fire department.~~

~~(6) Attach to electrical equipment or electrical meters any official notice or seek to prevent the use of electricity.~~

~~(7) Order people to cease or desist doing any work being done without a permit~~

~~where a permit is required or where such work is otherwise being done in violation of this article.~~

~~Sec. 18-163. Restrictions on employees.~~

~~No employee of the building inspection division shall be financially interested in the furnishing of labor, material or equipment for the installation, alteration or maintenance of electrical wiring, fixtures, or equipment or in the making of plans or specifications therefor unless he is the owner of the property on which the installation is located or planned.~~

~~Sec. 18-164. Unlawful acts.~~

~~(a) It shall be unlawful for any person to use any seal used by the inspector or break, change, destroy, tear, mutilate, cover, or otherwise deface or injure any such official notice or seal posted by any electrical inspector.~~

~~(b) It shall be unlawful for any person to interfere with the chief inspector official or assistants in the discharge of their duties or to prevent or in any manner attempt to prevent them from carrying out the provisions of this article.~~

Secs. 18-161~~5~~—18-175. Reserved.

DIVISION 4. - PERMITS

Sec. 18-176. Requirements and exceptions.

~~(a) Except as otherwise specifically provided in this article, it shall be unlawful for any person to install or cause to be installed or to permit any person to install any electrical wiring fixtures or equipment within or on any building, structure or premises publicly or privately owned or to make any alteration, additions, changes, or repairs within the scope of this article without having procured a permit therefor issued. by the chief inspector, except as provided in this division. Accessory buildings, tourist cottages or group houses shall not be considered separate buildings when the work is to be installed as one complete project and at one time except where separate meter loops are installed.~~

~~(b) There shall be only one permit issued at any given time for any one installation of electrical equipment.~~

~~(c)~~(a) No new meter service shall be connected to the electric distribution system of ~~Central~~ American Electric Power ~~and Light Company~~ unless it has been inspected, a permit obtained and fees paid, except in an emergency. ~~Central Power and Light Company can be called to reconnect the service and will be inspected later.~~

~~(d) A permit is required for the installation of wiring for cable, satellite, telephone, and/or fire security systems in new construction, except if wiring is done by qualified personnel from the company that supplies the service.~~

~~(e) No permit shall be required for the replacement of lamps, switch and receptacle plates, covers, and~~

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fuses or for the connection of portable electrical equipment to suitable permanently installed receptacles.

(f) No permit shall be required for the installation of electrical conductors or equipment to be installed where such installation is in accordance with the plans and specifications approved by the city and where such installation will be within and on the premises with the control and supervision of the state department of highways and public transportation and where such installation will be part of highway facilities operated, maintained or controlled by the state department of highways and public transportation.

(g) No permit shall be required for the replacement of a motor by another motor of the same horsepower and rating, solenoid valves, low pressure controls or other controls when the electrical supply to the same is or has been properly installed by a licensed electrician.

(h) No permit shall be required for any work involved in the manufacturing, testing, or servicing, altering or repairing of electrical equipment or apparatus except that this exemption shall not include any permanent wiring of the building used for the above.

(i) No permit shall be required for maintenance work performed by a licensed electrician on the premises of his employer, but he must have a master's or maintenance electrical license.

(j) No permit will be required for work done by the telephone company, Central Power and Light Company or their authorized agent.

Sec. 18-177. Application.

(a) *Forms; plan or diagram.* Application for permits shall be made in writing upon forms provided by the city for that purpose. The application shall include a diagram or plan showing clearly the character and kind of wiring or installation of fixtures or equipment work to be done. The plan or electrical diagram shall show the manner in which the electrical installation is to be made and/or the character of any repairs to any existing definite scale sharing the point at which service connection is required, the site of the feeders and sub feeders, the location at service switches and centers of distribution, and the arrangement.

(b) *Contents.* The application shall also contain the following information:

(1) The date the application is submitted;

(2) The name of the person under whose authority the application is made;

(3) The name of the person actually offering the application;

(4) The address where electrical work is to be done;

(5) A description of the electrical work to be done; and

(6) Such other pertinent information as may be required by the chief inspector.

Sec. 18-178. Plans and specifications.

The chief inspector shall require plans, specifications, and a complete feeder layout of installations of electrical work. When such plans, specifications, layouts are demanded, it shall be

~~a violation of this article to install any part of the electrical work concerned until the enforcement official initially approves the installation.~~

~~Sec. 18-179. Application and permit fees.~~

~~(a) Before proceeding with the installation, alteration or the addition to electrical wiring or equipment within the city, an applicant shall first file with the city an application requesting a permit to carry on such work and the necessary inspections and pay fees to the city in accordance with the fee schedule for any electrical work as established by resolution of the city council and listed in appendix A of this Code.~~

~~(b) If the office of the chief inspector has not been notified within 24 hours, Saturday, Sunday, and city holidays not counted, after a specific job is started, then the permit fee shall be doubled. The collection made is to defray the additional cost of inspecting work already done and issuing a permit under such circumstances and is not a penalty and not preclusive of any remedy otherwise available to the city to enforce this article.~~

~~(c) Permit application covering the installation of motors on any job shall specify each motor individually and no grouping of motors or other such grouping of horsepower shall be permitted.~~

~~(d) If the total fees per installation charged are less than the minimum permit fee amount established by resolution of the city council and listed in appendix A of this Code, then the minimum permit fee amount established by resolution of the city council and listed in appendix A of this Code shall apply. If such total fees exceed the minimum permit fee amount established by resolution of the city council and listed in appendix A of this Code, the greater amount shall be charged.~~

~~(e) All work must have a permit, but agencies of the federal, state, city and county governments are exempt from the payment of fees in connection with the construction or repair of a building used, owned, and located on property owned by the governmental agencies. Permit fees for public schools and other political subdivisions having ad valorem tax exempt status, and for church sanctuaries, and all other state constitutionally exempted ad valorem tax entities shall be 50 percent of the regular fee.~~

Sec. 18-180~~77~~. Issuance.

(a) In accordance with the Texas Department of Licensing and Regulation, Occupations Code, Title 8, Regulation of Environmental and Industrial Trades, Chapter 1305, Electricians must be licensed and must register with the department. Only a Texas licensed Master Electrician, or their authorized agent may obtain an electrical permit.

~~Permits shall be issued to licensed master electricians qualified to secure permits as determined by ordinance of the city and the State of Texas providing for licensing of electricians or their duly authorized agents. who shall be certified to the chief inspector by affidavit stating that the electrician assumes all and full responsibility for any permit taken out or applied for by the agent.~~

~~(b) Permits shall be issued to a person performing electrical work or maintenance work with their own hands in a single-family dwelling owned by him and claimed as his homestead. The~~

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~~work must meet code regulations, be inspected, and have all fees paid.~~

~~(c)~~(b) When the ~~chief inspector~~ Building Official finds the application, the diagram or plans and specifications to be correct, ~~he shall cause~~ the permit may ~~to~~ be issued.

~~Sec. 18-181. For parts of jobs.~~

~~(a) When an electrician completes the rough work, in whole or in part, on any electrical wiring or installation of fixtures or equipment and a second electrician is called upon to complete the work, in whole or in part, a separate permit is required for which regular fees shall be paid for the work to be done. Each electrician shall be held responsible only for the work installed by him.~~

~~(b) Before the second electrician is issued a permit for the completion of electrical wiring or installation of fixtures or equipment, the chief inspector shall first notify the electrician holding the original or first permit, if he can be found, that the second permit is proposed to be issued.~~

~~(c) The issuance of the second permit shall cancel the first permit, and no refund of fees for such cancelled permit shall be made.~~

~~Sec. 18-182. Time limitation and revocation.~~

~~(a) If electrical wiring of fixtures or equipment work authorized under a permit is not started within 60 days after issuance of such permit, or if the work is started and then discontinued and the work remains discontinued for a period of 60 days, the permit shall become void. No work shall be done on the premises until a new permit is issued and all necessary fees paid. No refund shall be made for permits that have become void.~~

~~(b) The chief inspector shall have the right to declare a permit null and void if there has been misrepresentation of facts on application for the permit. No work shall be performed until a new permit is issued and all fees have been paid.~~

~~(c) An electrical permit may be cancelled by the applicant at any time within 60 days of the date of its issuance. If no work has been done under such permit, the chief inspector when formally requested in writing by the applicant may refund 75 percent of the permit fee paid, but in no case shall the city retain less than the minimum permit fee established by resolution of the city council and listed in appendix A of this Code to cover the cost of auditing the fee and preparing the request for refund.~~

Secs. 18-183~~78~~—18-195. Reserved.

DIVISION 5. - INSPECTIONS

Sec. 18-196. Procedure and requirements.

(a) It shall be unlawful for any person to make connections from a source of electrical energy to any electrical wiring, devices, or equipment on an installation for which a permit is required, as set

forth in this article, until it has been approved by the ~~chief~~ inspector authorizing such connection and the use of such wiring devices or equipment.

~~(b) Inspection procedures and electrical work will be performed as follows:~~

~~(1) The chief inspector shall inspect and approve electrical work after rough-in work is completed and requests for inspections are made.~~

~~(2) All requests for inspection of electrical work shall be made 24 hours before the electrical work concerned is to be concealed or connected for services, as the case may be by the permit electrician.~~

~~(3) When any electrical work for which a permit is required under this article has been installed, but not concealed or connected for service, as the case may be, the electrician to whom the permit was issued shall request inspections at least 24 hours before the electrical work concerned is to be concealed or connected for service by notifying the chief inspector in such manner as the chief inspector may prescribe. The chief inspector shall inspect such electrical work as soon as practical.~~

~~(4) No electrical work for which a permit is required under this article shall be concealed in any manner from access or plain sight until such electrical work has been inspected and approved by the chief inspector. No electrical work shall be connected to a source of energy until such electrical work is completed and all outlets supplied with approved fixtures, devices or covers, and such electrical work has been finally approved for service.~~

~~(5) Whenever the complexity of electrical work may demand it, the chief inspector may schedule inspections to be made of phases of electrical work completed and ready for inspection.~~

~~(6) It shall be unlawful for any person to fail to request inspection pursuant to such schedule as in subsection (b)(2) of this section.~~

Sec. 18-197. Types.

(a) The permit holder shall request one or more of the following types of inspections:

(1) Temporary or construction service;

(2) Any underground electrical work ~~being buried~~ under concrete;

(3) Rough-in inspection; or

(4) Final inspection.

(b) It shall be unlawful for any person to have electricity connected to a temporary meter loop or construction meter loop until the chief inspector or his authorized agent shall inspect and give approval. The chief inspector or his authorized agent shall then notify ~~Central~~ American Electric Power ~~and Light Company~~ and authorize the connection of the temporary or construction meter loop.

(c) ~~The permit for a temporary or construction meter loop shall be valid for 180 days. If work stops for more than~~ 30 days, ~~then a new permit will be needed.~~

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Sec. 18-198. Rough wiring.

(a) When the rough wiring or installation work is completed on any premises, the person responsible therefor shall notify the chief inspector that the job is ready for inspection, giving proper identification of the work, address, and permit number. The chief inspector shall then make an inspection of the electrical installation. If the wiring or installation work has been installed in accordance with the terms and provisions of this article, the chief inspector shall sign the inspection card, noting thereon the date of approval of the work. More than one rough inspection may be made without charge when the progress of construction requires such inspection.

(b) If the wiring or installation of fixtures or equipment is found to be faulty or incorrectly or defectively installed, the chief inspector shall notify the responsible person who installed such work of the changes necessary to be made in order that the work may conform to this article.

(c) The permittee shall, within 48 hours from the time of notification, make or start to make the changes ordered and shall proceed with the work until the same is completed. Upon completion thereof and payment of the reinspection fee, he shall notify the chief inspector that faulty work has been corrected. The latter shall then cause the reinspection to be made, and if the work is found to comply with the electrical code, he shall sign the inspection card, noting thereon the date of approval of the work.

(d) If the chief inspector shall again find the work incorrectly installed, he shall notify the permittee of the necessary changes, and the permittee shall pay an additional reinspection fee. If the permittee fails to correct the faulty work within 72 hours' time, the chief inspector shall refuse to issue to any such person any further permits until the work in question is corrected and approved.

Sec. 18-199. After a fire.

An inspection shall be conducted by the chief inspector of any building or structure that has been damaged by fire.

Sec. 18-200. Other.

The chief inspector may make inspection of electrical work from time to time, and where such electrical work is in a dangerous or unsafe condition or is deemed to interfere with the work of the fire department, the inspector shall notify the person owning, using or operating such electrical work to place it in a safe, secure and noninterfering condition. Any person failing, neglecting, or refusing within a reasonable amount of time to make the necessary changes or repairs and have the necessary work completed within a reasonable amount of time, shall be deemed guilty of violation of this section. Every day which shall elapse after the expiration of such reasonable time until such wire and apparatus are repaired, removed, or changed, as required by the chief inspector, shall be considered a separate offense within the intent and meaning of this article.

Sec. 18-201. Final.

~~(a) Upon the completion of all electrical wiring and installation of fixtures or equipment in any building, or any premises, the permittee shall notify the chief inspector that the work is ready for final inspection, giving the permit number and the street address. The chief inspector shall then make the inspection. If any faulty or defective wiring or equipment is found, the permittee shall be notified of the changes to be made in order that such work shall conform to this article. If such work is found to be correctly installed, replaced, or repaired, the chief inspector shall endorse his approval upon the inspection certificate stating that the wiring or installation work has been installed in accordance with the provisions of this article.~~

~~(b) If the electrical work, upon final inspection meets all the requirements of this article, the chief inspector shall immediately make the necessary service records to allow connection of such electrical work to a source of energy. If such electrical work fails to meet such requirements, then written notice by the chief inspector of existing deficiencies shall be given to the permit electrician. Such electrician shall promptly correct the defects and request a reinspection.~~

~~(c) Whenever a permitted electrician is given notice of defects in electrical work, he shall promptly correct such defects. Failure to do so within 15 days of notice of defects shall be unlawful and a violation of this article. In addition to any other penalties, the chief inspector shall refuse to issue any further permits for electrical work to such electrician until existing defects are corrected and approved in accordance with the provisions of this article.~~

~~(d) After final inspection, a written certificate of approval shall be issued, upon request, to a permit electrician to cover any electrical work done by him and approved by the chief inspector.~~

~~(e) When a permitted electrician does not have the contract for finishing the electrical work covered by his permit, he shall request an inspection in writing of the electrical work completed by him, specifying the extent of his obligation to install electrical work.~~

~~(f) When any permitted electrician refuses to request a final inspection on substantially completed work covered by his permit, the owner or person in control of the premises where the electrical work has been performed may request an inspection. Notice of such request shall be given to the permit electrician by the chief inspector, and the permit electrician shall be asked to show cause for not requesting the final inspection.~~

~~Sec. 18-202. Periodic general.~~

~~The chief inspector may inaugurate periodic reinspection of installations of electrical wiring, electric devices~~ and electric equipment now installed or that may be installed and within the scope of this article. When the installation of any such wiring, devices or equipment is found to be defective, dangerous or in an unsafe condition, the person owning, using, or operating the same shall be notified in writing and shall make the necessary repairs or changes required to place such wiring, devices or equipment in a safe condition within five days or any longer period specified by the chief inspector in the notice. The chief inspector shall immediately order the disconnection or discontinuance of electrical services to such wiring devices or equipment until the wiring, devices or equipment have ~~been made safe as directed.~~

~~Sec. 18-203. Work left open.~~

~~It shall be unlawful for any person to cover, or cause to be covered, any part of a wiring installation with flooring, lath, wall board or other material until the chief inspector shall have approved the wiring installation in part or as a whole.~~

~~Sec. 18-204. Inspector's removal request.~~

~~It shall be the duty of the chief inspector to cause all abandoned dead wire, unused poles or electrical apparatus on the outside or inside of the buildings or in the street or alleys to be removed at the expense of the owners by giving the owners written notice.~~

~~Sec. 18-205. Changing or altering electrical conductors.~~

~~It shall be unlawful for any unauthorized person to in any manner change or alter electrical conductors.~~

Secs. 18-~~206~~198—18-215. Reserved.

DIVISION 6. - LICENSES

Sec. 18-216. Classification.

Chapter 1305.101(a)(2) of the Texas Electrical Safety and Licensing Act has mandated the revised National Electrical Code (NEC) as the electrical code for the State of Texas. In accordance with state law, the Texas Commission of Licensing and Regulation adopted the amendments to Chapter 73.100 of the Administrative Rules thereby establishing the 20~~14~~20 National Electrical Code (NEC) as the "minimum standard" for all electrical work in Texas as covered by the Act. The adoption became effective September 1, 20~~14~~19.

Sec. 18-217. Reserved.

Sec. 18-218. Requirements and exceptions.

(a) The following classes of electrical work may be carried out by persons who are not licensed electricians:

(1) Electrical work on one's own homestead, as determined by San Patricio County Homestead exemption status, performed only by the person owning such homestead. A permit as provided in section 18-180(b) shall have first been obtained by such a person. They shall have complied with all other requirements of this article except the licensing provisions.

(2) ~~The replacement of lamps, fuses and connection of portable devices to suitable receptacles which have been permanently installed.~~

Secs. 18-219—18-245. Reserved.

DIVISION 7. - STANDARDS

Sec. 18-246. National Electrical Code—Adoption.

There is hereby adopted by the city for the purpose of establishing rules and regulations for the construction, alteration, removal, and maintenance of electric wiring and apparatus, including permits and penalties, that certain electrical code known as the National Electrical Code of the National Fire Protection Association, being particularly the 2014~~14~~20 edition of the National Electrical Code and the whole thereof. One copy of such code has been and is now filed in the office of the city secretary of the city. Such code is hereby adopted and incorporated as fully as if set out at length in this section, and the provisions thereof shall be controlling in the construction, alteration, maintenance, or removal of electrical wiring and apparatus within the corporate limits of the city.

Sec. 18-247. Same—Amendments and deletions.

(a) Due to climatic conditions prevailing in and about the city, certain special rules covering electrical wiring and equipment installations are set forth in this section, and certain exceptions and amendments are taken to the rules and regulations of the current National Electrical Code to raise the safety level of electrical installations and prevent the rapid deterioration of electrical materials and equipment from severe atmospheric and underground corrosive action. ~~all of which exceptions are set forth below:~~

~~(1) Aluminum wiring shall be prohibited in any electrical installation inside or outside of a building, except from the transformer pole to service weather head.~~

~~(2) Electrical metallic tubing shall not be installed in any exposed outside location or in underground installations subject to moisture exposure.~~

~~(3) Underground installations of single runs or grouped runs shall use only electrical PVC conduit, except the electrical inspector may approve the use of ridged metal conduit for a class A installation.~~

~~(4) The use of crimp type connectors and couplings used with electrical metallic tubing shall be prohibited when used as a grounding means.~~

~~(5) Service entrance conductors shall be run in conduits or raceways. Feeders may be run in conduits, raceways or approved cable.~~

~~(6) Minimum size of wire for all construction is #12.~~

~~(7) All lay-in lighting fixtures installed in suspended ceilings must have two support wires attaching the fixture to the building frame at perpendicular corners of the fixture.~~

(b) The following additional amendments shall be met for all new construction:

~~(1) All circuits, except lighting circuits, shall have conductors sized in accordance with article 310 of the National Electrical Code, minimum current capacity of circuit conductors of 20 amperes.~~

~~(2) The following listed buildings shall have a minimum of one receptacle installed for every 20 lineal feet, measured horizontally around the interior wall at the floor level of each room, excluding storage rooms:~~

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~~a. Office buildings;~~

~~b. Taverns;~~

~~c. Store buildings;~~

~~d. Studios;~~

~~e. Bank buildings;~~

~~f. Restaurants; and~~

~~g. Mechanical garages.~~

~~(3)~~(1) One spare circuit space shall be available for every five circuits in all buildings. For each panel, a spare one-inch raceway shall be installed from the panel to an accessible location.

~~(4) All wire used in prewire for the telephone company will be a 22-gauge or 24-gauge standard code insulated conductor with a polyvinyl exterior jacket. Television cable shall be compatible with that used by the cable company.~~

~~(5) Made electrodes shall be as follows:~~

~~a. Rod electrodes. Rod electrodes shall be of brass, copper or copper clad steel and shall be at least five-eighths of an inch in diameter and eight feet or more in length.~~

~~b. All foundation and exterior wall openings around electrical cables and conduits shall be protected against rats by closing such openings with cement mortar, concrete masonry or noncorrodible metal.~~

~~(6)~~(2) Meter and meter loops amendments shall be as follows:

a. Meter and meter loops shall be installed in accordance with ~~Central~~ American Electric Power ~~and Light Company~~ specifications by a licensed electrician only. Specifications are contained in their publication entitled "Meter Installation Standards."

b. A readily accessible main disconnect on the outside of each building is required. Such disconnect must be on the outside wall within 24 inches of the meter base.

c. ~~A preconstructed meter pole may be used as a construction pole or in a mobile home park as long as it is built by a licensed master electrician and meets the standards of the city electrical code and is inspected by the electrical inspector.~~

~~(7)~~ (3) Dwelling circuit amendments shall be as follows:

a. The kitchen for each dwelling shall have no less than two 20 amperes circuits which shall not extend beyond the kitchen and dining area. ~~with a maximum of four outlets per circuit.~~ Refrigerators and ~~microwaves~~ freezers shall each be on a separate circuit.

~~b. Not more than seven convenience outlets and lights shall be connected to any circuit, whether the outlets are ceiling, wall or receptacle outlets, and no single circuit shall supply an area of 300 square feet or more.~~

~~c. Any appliance with an amperage rating of over 50 percent of the total breaker may~~

~~have only an additional light fixture installation. The circuit cannot have a counter outlet on it with the appliance.~~

~~(1) The use of an unapproved appliance is prohibited.~~

~~a. It shall be unlawful for any person within the city to use any appliance which has not been endorsed by the Underwriters' Laboratories, Inc., or other nationally recognized standards association or without first obtaining approval from the chief inspector in absence of such evidence of safety approval.~~

~~b. Should any material or equipment be submitted for approval which is not listed as approved by the Underwriters' Laboratories, Inc., the chief inspector, within ten days of the receipt of written request for special approval, shall approve, provisionally approve, or disapprove such electrical material or equipment.~~

~~c. Approval shall be based on reasonable safety to persons or property and material and equipment shall be considered as adequate for approval if the standards of the Underwriters' Laboratories, Inc., and/or provisions of this article are met.~~

~~d. When material or equipment is approved by the chief inspector, such approval shall continue until the material or workmanship on the article approved is changed. When the material or workmanship is changed, the article shall be reexamined and approved prior to use.~~

~~e. When no applicable standard can be used to determine whether an article is reasonably safe, the chief inspector may grant provisional approval and allow its use until such time as it can be tested or determined whether the article is safe to persons and property.~~

~~f. Approval by the chief inspector shall not become final until concurred by the board of adjustments. Denial by the chief inspector may be appealed to the board of adjustments. The action by the board of adjustments shall be final.~~

Secs. 18-248—18-270. Reserved.

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ARTICLE VIII. INTERNATIONAL PROPERTY MAINTENANCE CODE

Sec. 18-271. Code adopted.

The International Property Maintenance Code, 2012~~2~~8 Edition, is hereby adopted as the housing code of the city with certain enumerated exceptions in section 18-272. A copy of the International Property Maintenance Code 2012~~2~~8 Edition shall be retained on file in the office of the city secretary, with the enumerated exceptions and/or deletions.

Sec. 18-272. Amendments and deletions.

The ~~housing~~ Property Maintenance code adopted in section 18-271 is amended as follows:

Section 111 is amended to read as follows:

The board of adjustment of the city, which has been established pursuant to Charter §§ 10.05 and 10.06 and which functions as the board of adjustment under the zoning ordinance of the city and under V.T.C.A., Local Government Code §§ 211.008 through 211.010, is hereby designated as the appellate body to hear appeals and, where appropriate, to grant special exceptions and variances under the code adopted in section 18-271 of the Ingleside City Code, and any provision in such code in conflict is hereby repealed.

All requirements and rules concerning the appropriate appellate body, its constitution and make up, the number, appointment, qualifications and terms of office of members, quorum and voting requirements, vacancies and filling of vacancies, duties, power and authority of the body, and all procedural and other rules regarding the taking of appeals to or from and hearings before such body shall be the same for all matters arising under this code as they are for all matters arising under the zoning code and regulations. Those requirements and rules are set forth in the rules of procedure adopted by the board of adjustment to govern its own procedures.

Section 109.5 is amended by adding the following sentence:

Costs incurred in the enforcement of this code shall be charged to the owner of the premises involved and shall be collected in the manner provided by law, and the cost so incurred shall constitute a valid lien on the property.

Secs. 18-273—18-295. Reserved.

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ARTICLE ~~VIII~~ IX. UNSAFE BUILDINGS

Sec. 18-296. Code adopted.

The International Property Maintenance Code 201~~2~~8 Edition as published by the International Code Council is hereby adopted as the unsafe building code of the city with certain enumerated exceptions in section 18-297. A copy of the International Property Maintenance Code 201~~2~~8 Edition shall be retained on file in the office of the city secretary, with the enumerated exceptions and/or deletions.

Sec. 18-297. Amendments and deletions.

The ~~unsafe building~~ International Property Maintenance C~~o~~de adopted in section 18-296 is amended as follows:

Section 190.5 is amended by adding the following sentence:

> Costs incurred in the enforcement of this code shall be charged to the owner of the premises involved and shall be collected in the manner provided by law, and the cost so incurred shall constitute a valid lien on the property.

Sec. 18-298. Enforcing organization.

All enforcement of this code shall be carried out by the office of the ~~building official~~ Code Official or ~~his~~ their duly authorized representative. All appeals from decisions made by the ~~building official~~ Code Official or ~~his~~ their duly authorized representative shall be presented to the city council of the city within 30 days from the date of the notice of violation.

Sec. 18-299. Minimum standards for buildings.

All buildings or structures that do not comply with adopted codes or have any or all of the following defects or lack of facilities shall be deemed to be substandard buildings:

(a) All buildings or structures not in conformity with this code.

(b) All buildings or structures which have pit privies where the same are not permitted by law, or which are not connected to the city sewer when required by law, or where inadequate and unsanitary pit privies or septic tanks exist.

(c) All buildings or structures that have become deteriorated through accident or lack of repair or natural causes, or by damage through exposure to the elements, especially winds, hail or rain, and damage through fire, to the extent that the roof, windows and doors or portions of the building or structure which protect from the weather will no longer protect from the weather.

(d) All buildings or structures which constitute, or in which are maintained fire hazards as that term is defined through the fire prevention code of the city.

(e) All buildings or structures which are so structurally deteriorated that they are in danger of collapse, or which cannot be expected to withstand winds of hurricane force.

(f) All buildings or structures so constructed or permitted to be so constructed as to constitute a menace to health or safety, including all conditions conducive to the harboring of rats or mice or other disease- carrying animals or insects reasonably calculated to spread disease and including such conditions hazardous to safety as inadequate bracing or the use of deteriorated materials.

(g) All buildings or structures, whether in use or not, which are unsafe, unsanitary, unfit for human habitation, or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to the existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment are unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the procedures set forth in this code.

Sec. 18-300. Procedure for eliminating substandard conditions.

(a) Whenever the ~~building official~~ Code Official or ~~his~~ their duly authorized representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this code, or of any rule or regulation concerning health, safety or general welfare, adopted by the city, ~~he~~ they shall give notice of such alleged violation to the owner and inform ~~him~~ them that the existence or the continuation of such alleged violation or violations shall constitute a nuisance. Such notice shall:

(1) Be put in writing, stating in detail the defects to be corrected by making appropriate reference to the pertinent code, statutes or ordinances so violated;

(2) Further state that if such elimination of defects, repairs, reconstruction, alteration, removal, cleaning up or demolition are not voluntarily completed within the stated time set forth in the notice, the building official or his duly authorized representative shall institute such proceeding as set forth in this code;

(3) Also state that the owner in the alternative shall come forth before the city council of the city and show cause why repairs should not be made, and why orders, requests and directives made by the building official or his duly authorized representative should not be complied with and/or the building, structure or substructure unless repaired or rehabilitated should not be demolished and removed from the premises, and the premises cleaned;

(4) Be served by any of the following methods:

a. By delivery to the owner or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion;

b. By depositing the notice in the United States Post Office by certified mail, return receipt requested, addressed to the owner, agent, or person in control of said building or structure at his last-known address, postage prepaid thereon;

c. Where the owner is unknown or ~~his~~ their whereabouts are unknown, by an official notice in a generally circulated and recognized Ingleside newspaper, to be published twice within a ten-day period.

(b) Issuance of permits; substandard buildings. The following provisions set forth conditions and regulations to govern issuance of permits for repairs to existing buildings:

(1) Where it is within the knowledge of the ~~building official~~ Code Official or ~~his~~ their duly authorized representative, or the building official or his duly authorized representative suspects that a building for which a permit is sought is substandard, the building official or his duly authorized representative shall inspect it before the issuance of any permit and inform the owner that the building will be repaired and be occupant ready to the original intended use.

(2) If the cost of any alterations or repairs to make a building conform to the minimum requirements of this code as determined by the ~~building official~~ Code Official or ~~his~~ their duly authorized representative is in excess of 50 percent of the physical value as of the moment before such repairs or alterations are proposed or commenced to an existing building, such building shall be made to conform to all of the requirements of the building code, applicable to new buildings and including those pertinent zoning requirements.

(3) If an existing building is damaged by a fire or otherwise to the extent that the cost of repair or restoration is in excess of 50 percent of its then physical value before such damage is repaired, the building shall be made to conform to the requirements of the building code for new buildings.

(4) If a building is altered or repaired for other causes or damaged by fire or accident and the cost of such alterations or repairs or the amount of such damage is more than 25 percent, but not more than 50 percent of the physical value of the building, the portions to be altered or repaired shall be made to conform to the requirements of the building code for new buildings and to such extent as the ~~building official~~ Code Official or ~~his~~ their duly authorized representative may determine.

(5) Repairs and alterations not covered in the preceding paragraphs of this section, restoring a building to its condition previous to damage or deterioration, or altering it in conformity with the provisions of the building code or in such manner as will not extend or increase an existing nonconformity or hazard, may be made with the same kind of materials as those of which the building is constructed so long as the work performed conforms to chapter 18, article II, section 18-33 and section 18-34 of the City of Ingleside Code of Ordinances.

(6) The term "then physical value" means, as to property damage by fire or accident or other sudden cause, the physical value of the building immediately before the fire, accident, or other sudden cause. As to deterioration or damage other than fire, accident or other sudden cause, the term "then physical value" shall mean the value as of the date notice was given as per the provisions of this code. For the purpose of this code, the "physical value" or the "then physical value" of a building or structure as hereinafter defined shall be determined by the ~~building official~~ Code Official or ~~his~~ their duly authorized representative.

(c) Authority of city to demolish and attach lien.

(1) The following measures shall be taken by the city council in ordering repair, vacation, or demolition:

a. If the substandard building or structure can reasonably be repaired so that it will no longer be in a condition which is in violation of the terms of this code, it shall be ordered repaired.

b. If the substandard building or structure is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public or lacks illumination, ventilation or sanitation facilities adequate to protect the health and safety of the occupants or the public, it shall be ordered to be vacated and shall be placarded to prevent occupancy until the building or structure is brought up to all minimum standards of this code.

c. If the building cannot be repaired or is not repaired so that its existence will no longer be a violation of the terms of this code, it shall be demolished and removed from the premises.

(2) Notification of a public hearing shall be sent to an owner, lienholder, or mortgagee. This notice shall include a statement that the owner, lienholder, or mortgagee will be required to submit at the hearing proof of the scope of any work that may be required to comply with this section and the time it will take to reasonably perform the work.

(3) After the public hearing if the building is found substandard the city council shall order the building to be vacated, secured, repaired, removed, or demolished by the owner within 30 days. The municipality may order that the occupants be relocated within the 30 days. If the owner does not take the ordered action within the allotted time, the city shall make a diligent effort to discover each mortgagee and lienholder having an interest in the building or in the property on which the building is located. The city shall personally deliver or send by certified mail, return receipt requested, to each identified mortgagee and lienholder a notice containing:

a. An identification, which is not required to be a legal description, of the building and the property on which it is located:

b. A description of the violation of city standards that is present at the building: and

c. 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 30 days.

d. As an alternative to the procedure prescribed by subsection (c)(3). The municipality may make a diligent effort to discover each mortgagee and lienholder before conducting the public hearing and may give them notice of and an opportunity to comment at the hearing. In addition, the municipality may file notice of the hearing in the official public records of real property in the county in which the property is located. The notice must contain the name and address of the owner of the affected property if that information can be determined, a legal description of the affected property, and a description of the hearing. The filing of the notice is binding on subsequent grantees, lienholders, or other transferees of an interest in the property who acquire such interest after the filing of the notice and constitutes notice of the hearing on any subsequent recipient of any interest in the property who acquires such interest after the filing of the notice. If the municipality

operates under this subsection, the order issued by the municipality may specify a reasonable time as provided by this section 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 as provided by this section for the ordered action to be taken by any of the mortgagees or lienholders in the event the owner fails to comply with the order within the time provided for action by the owner. Under this subsection, the municipality is not required to furnish any notice to a mortgagee or lienholder other than a copy of the order in the event the owner fails to timely take the ordered action.

(4) Within ten days after the date that the order is issued the city shall:

a. File a copy of the order in the office of the city secretary; and

b. Publish in the official newspaper of the city a notice containing:

1. The street address or legal description of the property;

2. The date of the hearing;

3. A brief statement indicating the results of the order; and

4. Instructions stating where a complete copy of the order may be obtained.

(5) After the hearing, the city shall promptly mail by certified mail, return receipt requested, or personally deliver a copy of the order to the owner of the building and to any lienholder or mortgagee of the building. The city shall use its best efforts to determine the identity and address of any owner, lienholder, or mortgagee of the building.

(6) In a public hearing to determine whether a building complies, the owner, lienholder, or mortgagee has the burden of proof to demonstrate the scope of any work that may be required to comply and the time it will take to reasonably perform the work.

(7) If the building is not vacated, secured, repaired, removed, or demolished, or the occupants are not relocated within the 30 days, the city may vacate, secure, remove, or demolish the building or relocate the occupants at its own expense. If the city incurs expenses, the city may assess the expenses on, and the city has a lien against, unless it is a homestead as protected by the Texas Constitution, the property on which the building was located. The lien is extinguished if the property owner or another person having an interest in the legal title to the property reimburses the city for the expenses. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the county clerk in the county in which the property is located. The notice must contain the name and address of the owner if that information can be determined with a reasonable effort, a legal description of the real property on which the building was located, the amount of expenses incurred by the city, and the balance due.

(8) When the city mails a notice to a property owner, lienholder, or mortgagee and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered.

Sec. 18-301. Penalty for violation.

Any person who shall willfully refuse or fail to leave a building which has been ordered vacated under the terms of this article, or who shall enter a building which has been ordered vacated under the terms of this article, or who shall enter an area around such building that has been declared to be dangerous and notice of which declaration shall have been posted, or any person who shall interfere with or hinder the vacation, repair or demolition of any building under the terms of this article or who shall procure the violation of any provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction shall be fined as provided in section 1-14 of this Code; and each and every day's violation shall constitute a separate and distinct offense.

Secs. 18-302—18-320. Reserved

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ARTICLE ~~I~~X. SWIMMING POOLS

Sec. 18-321. Code adopted.

The International Swimming Pool and Spa Code 201~~2~~8 Edition as published by the International Code Council is hereby adopted as the swimming pool code of the city with certain enumerated exceptions in section 18-322. A copy ~~o~~f the International Swimming Pool and Spa Code 201~~2~~8 Edition shall be retained on file in the office of the city secretary, with the enumerated exceptions and/or deletions.

Sec. 18-322. Amendments and deletions.

The ~~swimming pool~~ International Swimming Pool and Spa ~~C~~ode adopted in section 18-321 is amended as follows:

Section 105.3.1 is amended to add:

Swimming pools shall be a minimum of five (5) ft. from residence or building unless an engineered design is submitted. Swimming pools and equipment shall be a minimum of five (5) ft. from side property lines and shall not encroach into any easement.

Section 105.6.2 is amended to read as follows:

105.6.2 Schedule of fees. Permit fees shall be established by resolution of the city council and printed in appendix A of the Ingleside City Code.

Section 107.4 is amended to read as follows:

Section 107.4 Violation Penalties shall be established by resolution of the city council and printed in appendix A of the Ingleside City Code.

Section 107.5 is amended to read as follows:

107.5 Stop work order: fine shall be established by resolution of the city council and printed in appendix A of the Ingleside City Code.

Section 320.1 Backwash Water or draining water is amended to add:

All pool drain discharge shall be connected to the sanitary sewer with a P-trap installed to prevent rainwater and objects from entering the sanitary sewer system.

Chapter 1 is amended to amend section 108 to read as follows:

The board of adjustment of the city, which has been established pursuant to Charter §§ 10.05 and 10.06 and which functions as the board of adjustment under the zoning ordinance of the city and under V.T.C.A., Local Government Code §§ 211.008 through 211.010, is hereby designated as the appellate body to hear appeals and, where appropriate, to grant special exceptions and variances under the code adopted in section 18-321 of the Ingleside City Code, and any provision in any of such code in conflict is hereby repealed.

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All requirements and rules concerning the appropriate appellate body, its constitution and make up, the number, appointment, qualifications, and terms of office of members, quorum and voting requirements, vacancies and filling of vacancies, duties, power and authority of the body, and all procedural and other rules regarding the taking of appeals to or from and hearings before such body shall be the same for all matters arising under this code as they are for all matters arising under the zoning code and regulations. Those requirements and rules are set forth in the rules of procedure adopted by the board of adjustment to govern its own procedures.

Secs. 18-323—18-345. Reserved.

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ARTICLE XI. FLOODPLAIN MANAGEMENT

Sec. 18-346. Code adopted.

(a) *Statutory authorization.* The Legislature of the State of Texas has in the Flood Control Insurance Act, V.T.C.A., Water Code, § 16.315 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Council of City of Ingleside Texas does ordain as follows:

(b) *Findings of fact.*

(1) The flood hazard areas of the City of Ingleside are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

Sec. 18-347. Amendments and deletions.

(a) The floodplain management code adopted in section 18-346 is amended to include the provisions in this section:

(b) In all areas of special floodplain hazard where 100-year floodplain base elevation data has been provided, the following provisions are required:

(1) Elevation data for the 100-year floodplain are from the maps and the Flood Control Study, prepared by Naismith Engineers, Inc., for the San Patricio Drainage District, revised ~~2004~~ December 20, 2019 study. This study and maps will determine the need for an elevation certification before a building permit can be issued in the City of Ingleside. This study and maps are on file in the building official's office.

(2) New construction or substantial improvements of any residential structure shall have the lowest floor elevated to 12 inches or more above the 100-year floodplain elevation or 12 inches above the crown of the street, whichever gives the highest elevation. If the area floodplain maps show the building ~~sight~~ site to be in the 100-year floodplain, a registered land surveyor shall submit an Elevation Certificate for review and approval. ~~a certification to the floodplain management inspector that the standards of this subsection are satisfied.~~

(c) The board of adjustment of the city, which has been established pursuant to Charter §§ 10.05 and 10.06 and which functions as the board of adjustment under the zoning ordinance of the city and under V.T.C.A., Local Government Code §§ 211.008 through 211.010, is hereby designated as the appellate body to hear appeals and, where appropriate, to grant special exceptions and variances under the code adopted in section 18-346 of the Ingleside City Code, and any provision in any of such code in conflict is hereby repealed.

All requirements and rules concerning the appropriate appellate body, its constitution

and make up, the number, appointment, qualifications and terms of office of members, quorum and voting requirements, vacancies and filling of vacancies, duties, power and authority of the body, and all procedural and other rules regarding the taking of appeals to or from and hearings before such body shall be the same for all matters arising under this code as they are for all matters arising under the zoning code and regulations. Those requirements and rules are set forth in the rules of procedure adopted by the board of adjustment to govern its own procedures.

Sec. 18-348. Statement of purpose.

It is the purpose of this article to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Protect human life and health;

(2) Minimize expenditure of public money for costly flood control projects;

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) Minimize prolonged business interruptions;

(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

(7) Ensure that potential buyers are notified that property is in a flood area.

Sec. 18-349. Methods of reducing flood losses.

In order to accomplish its purposes, this article uses the following methods:

(1) Restrict or prohibit uses that are dangerous to health, safety, or property in times of flood, or cause excessive increases in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

(4) Control filling, grading, dredging and other development which may increase flood damage;

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters, or which may increase flood hazards to other lands.

Sec. 18-350. Definitions.

Unless specifically defined below, words or phrases used in this article shall be interpreted to give them the meaning they have in common usage and to give this article its most reasonable

application.

Alluvial fan flooding means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

Apex means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Appurtenant structure means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

Area of future conditions flood hazard means the land area that would be inundated by the one percent-annual chance (100-year) flood based on future conditions hydrology.

Area of shallow flooding means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE, or V.

Base flood means the flood having a one-percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) means the elevation shown on the flood insurance rate map (FIRM) and found in the accompanying flood insurance study (FIS) for zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a one-percent chance of equaling or exceeding that level in any given year - also called the base flood.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Critical feature means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Development means any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevated building means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

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Existing construction means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or *flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters.

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood elevation study means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood insurance study (FIS). See "Flood elevation study."

Floodplain or *flood prone area* means any land area susceptible to being inundated by water from any source (see definition of flooding).

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood protection system means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodproofing means any combination of structural and non-structural additions, changes, or

adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodway. See "Regulatory floodway."

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior; or

(b) Directly by the Secretary of the Interior in states without approved programs.

Levee means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

Manufactured home means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level means, for purposes of the National Flood Insurance Program, the National

Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

New construction means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Primary frontal dune means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

Recreational vehicle means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Sand dunes mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area. See "Area of special flood hazard."

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a

building, whether or not that alteration affects the external dimensions of the building.

Structure means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Sec. 18-351. General provisions.

(a) *Lands to which this article applies.* The article shall apply to all areas of special flood hazard within the jurisdiction of the City of Ingleside.

(b) *Basis for establishing the areas of special flood hazard.* The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study" (FIS) for San Patricio County and Incorporated Areas within San Patricio County, effective date December 20, 2019, Revised, with accompanying flood insurance rate maps dated December 20, 2019, and any revisions thereto are hereby adopted by reference and declared to be a part of this article.

(c) *Establishment of development permit.* A floodplain development permit shall be required to ensure conformance with the provisions of this article.

(d) *Compliance.* No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this article and other applicable regulations.

(e) *Abrogation and greater restrictions.* This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(f) *Interpretation.* In the interpretation and application of this article, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under state statutes.

(g) *Warning and disclaimer or liability.* The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this article, or any administrative decision lawfully made hereunder.

Sec. 18-352. Administration.

(a) *Designation of the floodplain administrator.* The building official is hereby appointed the floodplain administrator to administer and implement the provisions of this article and other appropriate sections of 44 CFR (Emergency Management and Assistance—National Flood Insurance Program Regulations) pertaining to floodplain management.

(b) *Duties and responsibilities of the floodplain administrator.* Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

(1) Maintain and hold open for public inspection all records pertaining to the provisions of this article.

(2) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.

(3) Review, approve or deny all applications for development permits required by adoption of this article.

(4) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

(5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.

(6) Notify, in riverine situations, adjacent communities and the state coordinating agency which is the Texas Water Development Board (TWDB) and also the Texas Commission on Environmental Quality (TCEQ), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency

Management Agency.

(7) Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.

(8) When base flood elevation data has not been provided in accordance with Article 3, Section B[subsection 18-351(b)], the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of Article 5[section 18-353].

(9) When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(10) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first completes all of the provisions required by Section 65.12.

(c) *Permit procedures.*

(1) Application for a floodplain development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

a. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

b. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

c. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Article 5, Section B (2) [subsection 18-353(b)(2)];

d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;

e. Maintain a record of all such information in accordance with Article 4, Section (B)(1) [subsection 18-352(b)(1)];

(2) Approval or denial of a floodplain development permit by the floodplain administrator shall be based on all of the provisions of this article and the following relevant factors:

a. The danger to life and property due to flooding or erosion damage;

b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

c. The danger that materials may be swept onto other lands to the injury of others;

d. The compatibility of the proposed use with existing and anticipated development;

e. The safety of access to the property in times of flood for ordinary and emergency vehicles;

f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

g. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

h. The necessity to the facility of a waterfront location, where applicable;

i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

(d) *Variance procedures.*

(1) The appeal board, as established by the community, shall hear, and render judgment on requests for variances from the requirements of this article.

(2) The appeal board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this article.

(3) Any person or persons aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.

(4) The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this article.

(6) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2)[subsection 18-352(c)] of this article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(7) Upon consideration of the factors noted above and the intent of this article, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article (Article 1, Section C[section 18-348]).

(8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(9) Variances may be issued for the repair or rehabilitation of historic structures upon a

determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(10) Prerequisites for granting variances:

a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

b. Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

c. Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(11) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Article 4, Section D (1)—(9)[subsections 18-352(d)(1)—(9)] are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Sec. 18-353. Provisions for flood hazard reduction.

(a) *General standards.* In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems

into floodwaters; and

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(b) *Specific standards.* In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 18-351(b), section 18-352(b)(8), or section 18-353(c)(3), the following provisions are required:

(1) *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to 12 inches above the base flood elevation (BFE) or the crown of the road, whichever is highest. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection as proposed in section 18-352(c)(1) a., is satisfied.

(2) *Nonresidential construction.* New construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement) elevated to 12 inches above the base flood elevation (BFE) or the crown of the road, whichever is highest, or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.

(3) *Enclosures.* New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

a. A minimum of two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one-foot above grade.

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) *Manufactured homes.*

a. Require that all manufactured homes to be placed within zone A on a community's FHBM or FIRM shall be installed using methods and practices

which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

b. Require that manufactured homes that are placed or substantially improved within zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to 12 inches above the base flood elevation (BFE) or the crown of the road, whichever is highest, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:

1. The lowest floor of the manufactured home is at or above the base flood elevation; or

2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(5) *Recreational vehicles.* Require that recreational vehicles placed on sites within zones A1-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of section 18-352(c)(1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

(c) *Standards for subdivision proposals.*

(1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with section 18-347, section 18-348, section 18-349 of this article.

(2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet floodplain development permit requirements of section 18-351(c); section 18-352(c); and the provisions of section 18-

353 of this article.

(3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or five acres, whichever is lesser, if not otherwise provided pursuant to section 18-351(b) or section 18- 352(b)(8) of this article.

(4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(d) *Standards for areas of shallow flooding (AO/AH zones).* Located within the areas of special flood hazard established in section 18-351(b), are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

(2) All new construction and substantial improvements of non-residential structures:

a. Have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or

b. Together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO zone, or below the base flood elevation in an AH zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

(3) A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in section 18-352(c) are satisfied.

(4) Require within zones AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

(e) *Coastal high hazard areas.* Located within the areas of special flood hazard established in section 18-351(b), are areas designated as coastal high hazard areas (zones V1-30, VE, and/or V). These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, in addition to meeting all provisions outlined in

this article, the following provisions must also apply:

(1) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement. The floodplain administrator shall maintain a record of all such information.

(2) All new construction shall be located landward of the reach of mean high tide.

(3) All new construction and substantial improvements shall be elevated on pilings and columns so that:

a. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level;

b. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards. A registered professional engineer or architect shall develop or review the structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsections (3) a. and b. of this section.

(4) Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood latticework, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than ten and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

a. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards. Such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.

(5) Prohibit the use of fill for structural support of buildings.

(6) Prohibit manmade alteration of sand dunes and mangrove stands that increase

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potential flood damage.

(7) Manufactured homes. Require that manufactured homes placed or substantially improved within zone V1-30, V, and VE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, meet the standards of paragraphs (1) through (6) of this section and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within zones V1-30, V, and VE on the community's FIRM meet the requirements of subsection 18-353(b)(4) of this article.

(8) Recreational vehicles. Require that recreational vehicles placed on sites within zones V1-30, V, and VE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the requirements in section 18-351(c) of this article and paragraphs (1) through (6) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

(f) *Severability.* If any section, clause, sentence, or phrase of this article is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this article.

(g) *Floodways* — located within areas of special flood hazard established in section 18-351 (b), are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

(1) Encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(2) If section 18-353(g)(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of section 18-353.

(3) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by Section 65.12.

(h) *Penalties for noncompliance.* No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of chapter 18, article

X of the City of Ingleside Code of Ordinances and other applicable regulations. Violation of the provisions of this Code by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this Code or fails to comply with any of its requirements shall upon conviction be subject to fines as provided in section 1-14 of the City of Ingleside Code of Ordinances for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of Ingleside from taking such other lawful action as is necessary to prevent or remedy any violation.

Secs. 18-354—18-370. Reserve

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ARTICLE XII. FENCES

DIVISION 1. - GENERALLY

Sec. 18-371. 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:

Approved means approved by the building official or the city council.

Corner lot means a lot situated at the intersection of two (2) streets, the interior angle of such intersection not to exceed one hundred thirty-five (135) degrees.

Fence means any type of construction designed to enclose any area or part of an area either to limit or restrict ingress and egress, regardless of the type of material used in its construction.

Front yard means an open, unoccupied space on a lot facing a street and extending from the building or the required building line across the front of a lot.

Height (of fence) means measured from ground level at the base of the fence to the uppermost part of the fence.

Interior lot means a lot other than a corner lot.

Interior lot line means the side yard lot line that is adjacent to a corner lot or an interior lot's side yard line.

Rear yard means a yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal buildings.

Restricted areas mean the infrastructures or locations identified in an area, vessel, or facility security assessment or by the operator that require limited access and a higher degree of security protection. The entire facility may be designated the restricted area, as long as the entire facility is provided with the appropriate level of security. 33 CFR § 105.260 - Security measures for restricted areas.

Reverse frontage corner lot means a corner lot where the rear lot line is adjacent to a side lot line of an adjoining lot or across an alley from such side lot line.

Side yard means an open unoccupied space on the same lot with the building, extending from the building or the required building line and the same [side] lot line.

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Street means for the purpose of this article, shall refer to public and private streets.

Through lot (double frontage lot) means a building lot not a corner lot, where both the front and rear lot lines adjoin street lines. For the purpose of this section, both street lines shall be deemed front lot lines.

Vision triangle means that imaginary area created by measuring along two (2) intersecting property lines a distance as indicated below, then drawing a line diagonally. A fence or fences in these vision triangles shall not exceed four (4) feet in height.

(1) *Street-street intersections* means the vision [triangle] is determined by measuring back from the intersecting point of the two property lines parallel to the intersecting streets a distance of twenty (20) feet and drawing an imaginary line across these two (2) points. (See Figure 5 at the end of this article)

(2) Alley intersections. The vision triangle is determined by measuring back from the intersecting point of the two (2) property lines parallel to the intersecting alley a distance of ten (10) feet and drawing an imaginary line across the two (2) points. (See Figure 5 at the end of this article)

Sec. 18-372. Compliance with article required.

It shall be unlawful for any person to install any type of fence whatsoever in the city without first conforming to the provisions of this article, the city building code, and obtaining a permit as required by section 18-386.

Sec. 18-373. Nonconforming use.

Except as otherwise provided in this article, any fence existing at the time the ordinance from which this article was derived was adopted may be continued, provided such fence shall not be enlarged, extended, reconstructed, or altered. Any such fence which is damaged by fire, explosion, flood, wind, earthquake, or other cause to the extent that 50 percent or more of its reasonable use is depleted shall not be rebuilt without complying with the terms and conditions of this article, and consistent with the requirements of Section 211.019 of the Texas Local Government Code.

Secs. 18-374—18-385. Reserved.

DIVISION 2. – ADMINISTRATION AND ENFORCEMENT

Sec. 18-386. Permit ~~and license~~ required.

All persons who desire to install any fence shall obtain the approval of such construction and a permit ~~and license therefor~~ in advance of the construction of the fence ~~from the city building official~~. Such application ~~for a permit from the city building official~~ shall contain the names and addresses of the persons desiring to install such fence; a description of the fence, including the

size; the purpose for the fence, the exact location, including the address, street, lot, block and subdivision; and a plot plan and any other information required by the ~~city~~ building official. A homeowner who is installing the fence ~~for himself~~ does not have to have a contractor's ~~license~~ registration but must take out a permit for the fence. The fees for licenses and permits required in this article shall be established by resolution of the city council and printed in appendix A of this Code.

Sec. 18-387. Standards for issuance of permit.

Before issuing a permit as required in this article, the ~~city~~ building official shall find that the fence complies with all of the applicable building codes, with this article, and does not constitute an unreasonable risk or harm to the safety, well-being, and welfare of the public in general, property belonging to the public in general and the abutting property owners at the location of the proposed fence. The property owner must be able to show that the proposed fence is on his property.

Sec. 18-388. – Application.

Any person making application for a fence permit shall sign an application which shall contain the following information:

(1) Applicant's name and address, and if the applicant represents a corporation, the name and address of the registered agent of the corporation, and if the applicant represents an association, the name and address of the higher manager or agent of the association.

(2) Name of the owner of the property.

(3) Address where the fence is proposed to be erected.

(4) Type of fence construction to be utilized.

(5) Height of fence.

(6) Site plan showing proposed location of the fence and listing relevant dimensions between the fence and other structures on the lot and the location of property lines, easements, and public rights-of-way.

Sec. 18-389. – Encroachment on public property

No fence, guy wires, braces or any post of such fence constructed pursuant to this article shall be constructed upon or caused to extend or otherwise encroach over public property that the city or the general public has dominion and control, owns or has a right of access over, under, around or through, except upon utility easements which are permitted to be fenced.

Sec. 18-390. – Construction within easements.

(a) Permission to build a fence upon a utility easement does not remove the obligation of the owner to remove the fence upon demand of the utility company. Removal of any fence and any rebuilding of any fence shall be the responsibility of the owner and at the owner's expense.

(b) Fences shall be designed, constructed, and maintained so as not to interfere with utility lines.

(c) Fences shall be designed, constructed, and maintained so as not to interfere with normal drainage.

(d) Fire hydrants and mailboxes shall be accessible from the public streets and may not be enclosed behind fences or shrubs. Shrubs and other screening materials shall be kept the minimum distance away from the hydrant as required by the fire code.

Sec. 18-391. - Drainage and floodway easements.

No fences shall be constructed within any drainage or floodway easement in the corporate limits of the city unless the property owners engineer shall have first determined and advised the building official, in writing, that such fences shall, in all probability, not interfere with or impair the natural flow of water across the drainage or floodway easement.

Sec. 18-392. – Inspection.

When any fence for which a permit has been issued under this article is completed, it must be inspected. The development services office shall be notified upon completion of fences. The Inspector will issue notice of approval if fences comply with the provisions of this article or will disapprove the fence indicating corrections must be made to be in compliance with approved plans or city ordinances.

Sec. 18-393. – Maintenance.

All fences shall be maintained by the owners of the property so as to comply with the requirements of this article and shall also be maintained in good condition; such condition shall not deviate from the maintenance standards as follows:

(1) The fence shall not be out of vertical alignment more than twenty (20) degrees.

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(2) Any and all broken, damaged, removed, or missing parts of said fence shall be replaced within ten (10) days of receiving notification by regular mail, or notice delivered in person by the code official or his authorized representative. The building official may, upon written notice from the owner that unusual circumstances prevent the timely repair of a fence, extend the replacement time as necessary.

Sec. 18-3~~88~~94 Enforcement.

The ~~city~~ building official shall cause all fences for which permits have been issued and regulated by this article to be inspected from time to time for compliance with this article. In case of noncompliance, the ~~city~~ building official shall notify the permit holder to correct the condition within ten days. In the event of failure, or the refusal of the permit holder to comply as requested ~~ordered~~, the ~~city~~ building official shall revoke the permit. However, upon a showing of hardship or other circumstances warranting such action, the ~~city~~ building official shall have the authority to grant an extension not to exceed 30 days to make the correction or to finish the fence.

Sec. 18-3~~89~~95. Appeals.

Whenever the ~~city~~ building official shall refuse to grant any permit authorized under this article or shall issue an order requiring compliance with this article, or revoke a permit issued under this article, the person aggrieved shall have the right to appeal to the board of adjustment created pursuant to Charter §§ 10.05 and 10.06, as provided in the zoning regulations, chapter 78 of this Code.

(a) Upon denial of a fence permit application by the building official, an applicant may appeal in writing to the zoning board of adjustment for consideration of variances. Whenever the applicant can show that a strict application of the terms of this article will impose an unusual or practical difficulties, the zoning board of adjustment may consider such variances when the board is satisfied that granting of such variation will not merely serve as a convenience but will alleviate some demonstrable and unusual hardship or difficulty to warrant a variance and, at the same time, the surrounding property will be properly protected.

(b) Factors which warrant a hearing before the zoning board of adjustment include fence materials, fence setbacks and overall height of the fence. These are the only areas that may be considered for a variance by the zoning board of adjustment.

(c) An appeal fee as provided for in the fee schedule shall accompany such application.

Secs. 18-39~~0~~6—18-400. Reserved.

DIVISION 3. - STANDARDS

Sec. 18-401. Solid fences.

Solid fences must be constructed of wood, stone, or masonry and may be erected to a height of six feet with the addition of no more than one, two by eight rot board at the base, measured within 18 inches adjacent to the fence and on the owner's side of the fence along the boundaries of the lot behind the lot's front building line. A fence can be built on side street property lying behind the property's front building line with the same height requirements as above. The front yard can be fenced but shall be no more than four feet high and meet the requirements of section 18-403. ~~There must be a minimum of two, three-foot gates, one in the front and one in the back of property if there is an alley or an easement~~. It shall be unlawful for any person to erect, construct or maintain any fence without providing a gate or other means of entrance and exit into and out of the area which the fence encloses, and it shall further be unlawful for any person to erect, construct or maintain any fence along or near a rear property line which adjoins an alley or easement without providing a reasonable means of access to such alley or easement. Gates must swing inward toward private property and are not allowed to swing outward across property lines into public rights- of-way. Gates shall not open onto another private property without an easement agreement.

Sec. 18-402. Wire fences, barbed wire or electrically charged fences.

Wire fences and any other fences in which the open space between the construction material represents more than 70 percent of the total fence area may be erected to a height of seven feet, but not in a front yard. A wire fence height of ten feet for exotic breeding ~~done with all required certifications and permits~~ may be erected on land greater than two and one-half acres under single ownership.

(a). No fences that continuously conduct electrical current may be constructed or maintained in residential zoning districts.

(b). A battery charged fence, not to exceed twelve (12) volts, shall be allowed in commercially zoned districts. No permit shall be required for the erection and maintenance of a battery charged fence.

(c). Only fences as part of an agricultural or farming or ranching or commercial related activities erected, maintained or permitted shall be electrically charged in any manner or form.

(d). No fence erected, maintained, or permitted shall be made with barbed wire unless as part of an agricultural or farming or ranching related activities.

(e). No fence erected, maintained, or permitted shall be made with concertina wire, razor wire or anything capable of causing significant harm to the general public.

(f). Any barbed wire portion of a fence for a commercial application must be on that portion of the

fence over six (6) feet in height. The barbed arms shall not extend over public rights-of-way or easements or over private property of another person. When adjoining property is zoned or used for residential purposes or public rights- of-way, barbed arms shall extend inward. (See figure 4 at the end of this article.)

Sec. 18-403. Height restrictions.

In a residential property zone, between the front property line and the property's building line, no person shall erect any wall, fence, or other structure to a height greater than four feet measured within 18 inches adjacent to the fence and on the owner's side of the fence; maintain or permit the existence of any such wall, fence, or other structure of a height greater than four feet with at least fifty (50) percent through vision measured within 18 inches adjacent to the fence and on the owner's side of the fence; plant any hedge or tree shrub as a fence having a growth of a height greater than four feet measured within 18 inches adjacent to the fence and on the owner's side of the fence; or maintain or permit the existence of any such wall, fence or other structure of a height greater than four feet measured within 18 inches adjacent to the fence and on the owner's side of the fence upon his property or on property under his control. Where such property is bounded on two adjacent sides by public rights-of-way for road, street, boulevard, or other public way, the area so restricted, being the area of the corner of such property, more particularly described as being that area of two intersecting boundaries of the public rights-of-way, the fence must stop back a distance of 20 feet back on each of the boundaries from the point of intersection, and will be connected by the drawing of a straight line from the two points that are back 20 feet of the intersection point. However, the existence of a tree shall not be unlawful so long as such tree is free of branches and foliage for a height of at least seven feet above the level of the adjacent grade. (See figure 6 at the end of this article.)

(a). Height limitation in rear and side yards – It shall be unlawful to erect, maintain, suffer or permit a fence at a height exceeding six (6) feet with the addition of no more than one, two by eight rot board at the base in any rear yard or along any rear yard lot line, or in any side yard or along any side yard line, except by appeal to the zoning board of adjustment board and by favorable vote from same.

(b). Height limitation in front yards – Front yard fences shall be constructed within the required front yard according to the following:

(1) The fence is four (4) feet or less in height, and the fence is fifty (50) percent visibility open (no solid fences). (See Figure 1 at the end of this article.)

(2) In the case of a corner lot, the fence is four (4) feet or less in height, and the fence is fifty (50) percent visibility open (no solid fences). (See Figure 2 at the end of this article.)

Sec. 18-404. – Reverse frontage lots.

(a). On all reverse frontage lots located on property zoned for residential use, or used for residential use, it shall be unlawful to construct, maintain, or permit a fence within the required side yard area that is adjacent to a front yard area at a distance closer than ten (10) feet of the side property

line.

(b). It shall be an affirmation of defense to subsection (a) above that the fence is four (4) feet or less in height and the fence allows at least fifty (50) percent through vision. (See Figure 3 at the end of this article.)

(c). Nothing herein shall be construed to prohibit the complete removal of fences, except fences enclosing a swimming pool or spa as to comply with all other local, state, and federal laws.

Sec. 18-405. Screening.

Screening in the form of a solid fence or landscaping shall be required to protect neighboring residences from all commercial establishments or required parking lots. The area between the property line and the fence must be incorporated into the overall landscaping of the property, including sufficient landscaping screening materials to mitigate the visual impacts.

Sec. 18-4056. Fencing material.

All fencing, whether solid or wire, must be constructed of new material certified by a nationally recognized agency as being appropriate for their use and conform to all required codes.

(1) Fences shall not be constructed of damaged or unsafe materials.

(2) No fence may contain razor wire, electrical current, broken glass, or other hazardous material, except low voltage household pet containment systems are permitted.

Sec. 18-408. – Exemptions.

The following fence and wall types are exempt from the specified provisions of this code:

(a). City- or state-required sound attenuation walls are exempt if so, recommended by a noise attenuation study and first approved by the building official.

(b). Fences installed by the city inside of or on the perimeter of a public park shall be exempt.

(c). Fences installed by a public or private school inside of or on the property boundary of the school grounds shall be exempt.

(d). Fences around public baseball diamonds, and sports fields shall be exempt

(e). Temporary construction fences as part of an approved project.

(f). Fences or walls in association with an approved temporary use permit.

(g). Fences legally constructed prior to the adoption of the ordinance.

(h). Fences that are installed for security measures for restricted areas. - 33 CFR § 105.260 - Restricted infrastructures or locations identified in an area, vessel, or facility security assessment or by the operator that require limited access and a higher degree of security protection are exempt from fence height restrictions. The entire facility may be designated the restricted area, as long as the entire facility is required to be provided the appropriate level of security.

Secs. 18-4069—18-425. Reserved

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ARTICLE XIII. BUILDING NUMBERING

Sec. 18-426. Numbering generally.

(a) Address number ranges are hereby declared public property and shall, consistent with this article, be subject to change by the city council, with or without notice.

(b) All addresses within the city shall be based upon measurements that begin at the southeast geographic corner of the city and continue north and west.

(c) House and building numbering shall be assigned at 25-foot intervals beginning at the center point of the nearest intersection south or east of the house or building and then measured north or west to the center of the lot upon which the house or building lies.

Sec. 18-427. City addressing map; issuance of addresses; basis of numbering.

The ~~city~~ building official shall maintain the official city addressing map with established block number assignments and shall, when requested, issue a corresponding address number to new houses and buildings based upon measurements described in this article, such that all numbers lying on the left side of the street are odd and all numbers lying on the right side of the street are even.

Sec. 18-428. Requirements of owners/occupants.

(a) The owner or occupant of every house, building, or address location shall maintain a properly assigned address number in a conspicuous place clearly visible from the street.

(b) Address numbers shall be affixed to the house or building, except that when a house or building is situated with more than a 100-foot setback from the roadway, or when vegetation or fencing visually obscures the house or building, then the owner or occupant shall affix the address numbers at a location near and in view of the roadway.

(c) Address character numbers shall be at least ~~three~~ four inches high ~~and~~ with a minimum stroke width of ½ inch (12.7 mm). Address identification characters shall be of a contrasting color to the background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used to identify the structure. Address identification shall be maintained.

(d) It shall be unlawful for any person to alter, deface, or take down address numbers placed on any property, except for the repair or replacement of such numbers.

(e) No certificate of occupancy shall be issued for any house or building until the owner or occupant has procured an address number from the ~~city~~ building official and affixed that number to the property as required by this section.

(f) Address numbers for apartments, trailer parks, and motels shall be a single address number assigned to the main entrance followed by a suffix letter or number to designate a specific

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building or lot location.

(g) Owners or managers of apartments, trailer parks, and motels shall assign suffix numbers or letters to individual tenants in units, buildings, or lots, consistent with this section.

(h) Individual owners or occupants of apartments, trailers or motels shall install assigned suffix numbers or letters consistent with the requirements of homeowners and building owners as described and established in this section.

(i) Condominiums and townhouses developed on any named street may, at the discretion of the city council, be treated as individual residences for the purpose of addressing so long as the condominiums or townhouses are situated along the named street in a fashion similar to individual homes. Condominiums and townhouses that are located on and accessible only by a private drive shall be numbered consistent with requirements of apartments, trailer parks and motels, as described and established in this section.

Sec. 18-429. Authority for resolution of conflicts.

Any issue or condition in conflict or not addressed in this article shall be resolved using guidelines established in either: the latest edition of the Addressing Handbook for Local Governments produced by the state commission on state emergency communication, the latest federal addressing standards guidelines, or the latest Texas Handbook on Uniform Traffic Control Devices.

Secs. 18-430—18-449. Reserved.

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ARTICLE ~~XIII~~ XIV. INDUSTRIAL HOUSING AND BUILDINGS

Sec. 18-450. General.

To the extent not prohibited by Texas Occupations Code Ch. 1202, the city may regulate industrialized housing and buildings, as defined at Texas Occupations Code §§ 1202.002 and 1202.003.

Sec. 18-451. Definitions.

As used herein:

(1) *Council* means the Texas Industrialized Building Code Council.

(2) *Commission* means Texas Commission on Licensing and Regulation.

(3) *Department* means Texas Department of Licensing and Regulation.

(4) *Mandatory building codes* means those codes approved by the council under Texas Occupations Code Ch. 1202.

(5) *Industrialized housing* is defined at Texas Occupations Code § 1202.002 and refers to residential structures.

(6) *Industrialized building* is defined at Texas Occupations Code § 1202.003 and refers to commercial structures.

Sec. 18-452. Requirements for industrialized housing and buildings.

The following requirements apply to all industrialized housing and buildings:

(1) A complete set of designs, plans, and specifications bearing the stamp of approval of the council for each installation of industrialized housing and buildings must be filed with the building official and approved ~~by him~~ for compliance with all mandatory building codes before installation of any industrialized housing or buildings or any site work preparatory to installation of same.

(2) All applicable city permits and licenses must be obtained before construction begins on a building site.

(3) In accordance with commission rules, all modules or modular components must bear an approved decal or insignia indicating inspection by the department.

(4) The building official shall inspect:

  (a) The erection and installation of industrialized housing and buildings to ensure compliance with mandatory building codes and commission rules; and

  (b) All foundation and other on-site construction, to ensure compliance with approved designs, plans, and specifications, including the foundation system and the erection and installation of the modules or modular components on the foundation.

(5) Before occupancy, a final inspection or test in accordance with mandatory building codes shall be required.

(6) Correction of any deficiency identified by the test or discovered in the final inspection shall be required before final approval.

(7) The building official shall enforce all other appropriate city ordinances, rules, and regulations, unless and except to the extent prohibited by Texas Occupations Code Ch. 1202.

Sec. 18-453. Requirements for single-family and duplex industrialized housing.

The following requirements, in addition to the requirements of section 18-452, apply to all single-family and duplex industrialized housing:

(1) Single-family and duplex industrialized housing must:

(a) Have all local permits and licenses that are applicable to other single-family or duplex dwellings;

(b) Have exterior siding, roofing, roofing pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located (said comparison group of other single-family dwellings to include any house any portion of which is within said 500 feet);

(c) Comply with city building setbacks, side and rear yard offsets, subdivision control, square footage, and other site requirements applicable to single-family dwellings; and

(d) Be securely fixed to a permanent foundation engineered by a Texas Windstorm Insurance approved engineer to the same standard and wind load capacity as is applicable to site-built dwellings.

(2) Single-family and duplex industrialized housing must have a taxable value equal to or greater than the median taxable value for single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located. Such other single-family dwellings within said 500-foot area are hereinafter referred to as "comparison group" or "comparison dwelling".

(a) The taxable value of industrialized housing shall include the industrialized house and the land upon which it is located. The taxable value of each comparison dwelling shall include the dwelling and the land upon which it is located. The taxable values shall be as determined by the most recent certified tax appraisal roll for each county in which the properties are located as of the date of installation of the industrialized housing.

(b) Taxable values shall be as determined by and on the certified tax appraisal rolls of said San Patricio County. However, if either the industrialized house or the land upon which it is located is not on the certified appraisal rolls as of the said installation date, the value for that property shall be the value of land and house as reflected on the certified tax rolls next following the installation, or, in the alternative, owner, at his option and cost, may file his own appraisal with the building official for the purpose of establishing the taxable value of the industrialized house and land, provided:

1. Owner must file with the building official a survey of the land upon which the industrialized house is to be located, which survey must depict the location where the house and all other improvements will be placed on the land and said survey must be prepared and bear the seal of a licensed land surveyor or professional

engineer.

2. Owner must file with the building official a full set of plans and specifications of the house including, but not limited to, an engineered foundation plan prepared by and bearing the seal of a professional engineer approved by the Texas Windstorm Insurance Association.

3. Owner must file with the building official an appraisal which must state the opinion of the appraiser as to taxable value immediately after installation and assuming installation within six months after the appraisal in accordance with the survey and plans and specifications filed with the building official. The appraiser must be a state certified general real estate appraiser.

4. The survey plans and specifications, and appraisal must be filed with the building official and approved ~~by him~~ before installation.

5. If the owner fails to file all required documents within the time aforesaid it will be deemed that he has waived the option herein provided and the taxable value of his industrialized house will therefore be determined from the tax roll after installation.

(c) The comparison group shall include each dwelling, any portion of which is located within 500 feet of the lot on which the industrialized dwelling is located on the date of its installation.

(d) If the taxable value of the industrialized housing is less than the median value of the comparison group, as determined in accordance with the above and foregoing rules, the industrialized housing must be removed within 60 days after demand made for removal by the building official, provided that the owner shall be entitled to appeal the decision of the building official to the board of adjustment in accordance with the same procedures as are applicable to appeal alleging error of the building official in the making of a decision concerning the enforcement of building codes. If the owner is ultimately, by final order of the building official or by the board of adjustment, required to remove the house and he fails to do so, the city may do the work at the cost of the owner who shall be obligated to reimburse the city its costs of removal and the city shall have a lien on the land upon which the house is located to secure said costs.

(e) If the value of the industrialized house has not been determined before the date of installation, then prior to installation of any industrialized housing notice must be filed by the owner in the real property records of San Patricio County, Texas, that the industrialized house may be required to be removed if it fails to comply with the value requirements of section 18-450 et seq., Ingleside Code of Ordinances. Said notice must contain a true and correct legal description of the land on which the industrialized housing is proposed to be located.

Secs. 18-454—18-470. Reserved.

ARTICLE XIV. WIND ENERGY CONVERSION SYSTEMS

DIVISION 2. – GENERALLY

Sec. 18-471. Definitions.

For the purposes of this article, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular number include the plural. The word "shall" in this article is mandatory and not discretionary.

Accessory Facilities or Equipment. Structure other than a wind turbine, related to the use and purpose of deriving, collecting, or distributing energy from such wind turbines located on or associated with a wind energy facility.

Building code. The adopted building code of the City of Ingleside and all amendments thereto.

Electronic control and conversion devices are any electrical components in line between the turbine and the main breaker panel.

Fall zone is the area that would be affected by the wind energy conversion system if collapse occurs from any failure. The fall zone is ~~75~~ 125 percent of the tower height and not encroaching on power lines or poles.

Foundation is the structure that supports the tower of the wind generation system.

Large Wind Energy Conversion System. A Wind Energy Conversion System ("WECS") consisting of one wind turbine, one tower, and associated control or conversion electronics which has a rated capacity greater than [150] kilowatts and is intended to supply some portion of its produced electrical power for sale to a power grid.

Mounting brackets are the equipment used to attach a wind turbine or tower to a structure.

Overspeed control. A mechanism used to limit the speed of blade rotation to below the design limits of the WECS.

Small Wind Energy Conversion System. A WECS consisting of one wind turbine, one tower, and associated control or conversion electronics which has a rated capacity of greater than (10) kilowatts but not more than (150) kilowatts and a total height of greater than 50 feet but not more than (125) feet.

Site. The plot of the land where the WECS is to be placed. The site could be publicly or privately owned by an individual or a group of individuals controlling single or adjacent properties.

Swept area. The largest area of the WECS extracts energy from the wind stream. In a

conventional propeller-type WECS, there is a direct relationship between the swept area and the rotor diameter.

Total height. The height of the tower and the furthest vertical extension of the WECS.

Tower is the vertical component of a wind energy conversion system that elevates the wind turbine above the ground.

Very Small Wind Energy Conversion System. A WECS consists of one wind turbine, one tower (or other mounting system), and associated control or conversion electronics which are smaller than (50 feet) the minimum size or rated capacity limits for Small Wind Energy Conversion Systems.

Wind energy conversion system is a system used to convert wind energy into electrical power including grid- tied and non-grid-tied systems. A system consists of a turbine, tower, mounting brackets, foundations, and associated electronic control and conversion devices. A wind energy conversion system which has a rated capacity of not more than 10kw and which is intended primarily for on-site consumption of electrical power, except that when on a parcel on which the system is installed also receives electrical power supplied by a utility company (grid- tied), excess electrical power generated and not presently needed for on-site use may be used by the utility company.

Wind Energy Facility. Any WECS or wind measurement tower, including all related infrastructure, electrical lines and substations, access roads and accessory structures that are under common ownership or operating control.

Wind turbine is a device used to convert wind energy into electrical power.

Sec. 18-472. Compliance with article required.

It shall be unlawful for any person to install any type of wind energy conversion system whatsoever in the city without first conforming to the provisions of this article, the city building code, and obtaining a permit as required by section 18-480.

Secs. 18-473—18-479. Reserved.

DIVISION 2. – ADMINISTRATION AND ENFORCEMENT

Sec. 18-480. - Applicability.

A. The substantive and procedural requirements of this section shall apply to all wind energy facilities that are not governed by Texas State Public Service Law which are proposed, operated, modified, or constructed after the effective date of this article.

B. Wind energy facilities for which a required permit has been properly issued and upon which construction has commenced prior to the effective date of this article shall not be required to meet the requirements of this section, however:

1. Any such preexisting wind energy facility which does not provide energy for a

continuous period of 12 months shall meet the requirements of this section prior to recommencing production of energy.

C. No modification or alteration, excluding regular maintenance and repair, to an existing wind energy facility shall be allowed without full compliance with this section.

Sec. 18-480 1. Permit and license required.

It is an offense to construct, maintain or operate a WECS without first having obtained a permit from the city. All persons who desire to install any wind energy conversion system shall obtain the approval of such construction and a permit in advance of the construction of the wind energy conversion system from the ~~city~~ building official. Such application for a permit from the ~~city~~ building official shall contain the names and addresses of the persons desiring to install such wind energy conversion system; a description of the wind energy conversion system, including the size, the exact location, the address, street, lot, block, and subdivision; and a plot plan and any other information required by the ~~city~~ building official. A homeowner who is installing the wind energy conversion system ~~for himself~~ does not have to have a contractor's license but must take out a permit for the wind energy conversion system. The fees for licenses and permits required in this article shall be established by resolution of the city council and printed in appendix A of this Code.

A. No wind energy facility shall be constructed, reconstructed, or modified in the City of Ingleside except in compliance with this article.

1. Notwithstanding the preceding sentence, where a WECS has been granted necessary permits, variances, or other land use authorizations pursuant to the City of Ingleside and has been built and is operating under such authorizations, such existing use(s) may be continued under the terms of such authorization so long as the use is not changed, extended, enlarged, or structurally altered.

B. Very Small Wind Energy Conversion Systems

1. Very Small WECS are allowed as accessory uses in all zoning districts.

2. Very Small WECS may be constructed, reconstructed, or modified without being issued a special use permit.

3. A building permit is required for the installation of all Very Small WECS.

4. Very Small WECS must comply with the following safety standards:

a. The minimum distance from the ground to the rotor blade tips shall not be less than 10 feet.

b. Each Very Small WECS shall be equipped with both manual and automatic controls to limit the rotational speed of the blade within the design limits of the rotor. Manual

electrical and/or overspeed shutdown disconnect switches shall be provided and clearly labeled on the wind turbine structure. No Very Small WECS shall be permitted which lacks an automatic braking, governing, or feathering system to prevent uncontrolled rotation, over speeding, and excessive pressure on the tower structure, rotor blades, and turbine components.

5. Very Small WECS must otherwise comply with setback, nuisance, environmental and visual effects, and operation and maintenance standards.

C. Small Wind Energy Conversion Systems

1. Small WECS are only allowed in agricultural AG or R-1 zoning districts over two acres in size.

2. No Small WECS shall be constructed, reconstructed, or modified in the City of Ingleside except pursuant to site plan approval from the City of Ingleside and a special use permit from the City of Ingleside issued in accordance with this article.

3. No Small WECS wind energy facility shall be constructed, reconstructed, or modified in the City of Ingleside except pursuant to a building permit from the Development Services Department].

4. Small WECS must comply with all other provisions of this article.

D. Large Wind Energy Conversion Systems

1. Large WECS are only allowed in agricultural (AG districts. Requires discussion.

2. No Large WECS shall be constructed, reconstructed, or modified in the City of Ingleside except pursuant to site plan approval from the City of Ingleside and a special use permit from the City of Ingleside issued in accordance with this article.

3. No Large WECS wind energy facility shall be constructed, reconstructed, or modified in the City of Ingleside except pursuant to a building permit from the Development Services Department.

4. Large WECS must comply with all other provisions of this article.

Sec. 18-481~~1~~2. Standards for issuance of permits.

Before issuing a permit as required in this article, the ~~city~~ building official shall find that the wind energy conversion system complies with all of the applicable building codes, with this article,

and does not constitute an unreasonable risk or harm to the safety, well-being, and welfare of the public in general, property belonging to the public in general and the abutting property owners at the location of the proposed wind energy conversion system. The property owner must be able to show that the proposed wind energy conversion system is on his property. A permit will only be issued when the following conditions are met:

Site plan required – drawn with sufficient detail to clearly describe the following:

(1) Property lines and physical dimensions of the site;

(2) Location, approximate dimensions, and types of major existing structures and uses on-site;

(3) Locations and elevation of the proposed WECS;

(4) Location of all aboveground utility lines on-site or within one radius of the total height of the WECS.

(5) The zoning designation of immediate and adjacent sites as set forth in the zoning ordinances of the city.

(a). General conditions.

Installation of all wind energy conversion systems shall comply with the following requirements:

(1) Water pumpers. Nonelectrical windmills used for pumping water will be exempted from the provisions of subsections (3) through (12).

(2) Compliance with building code. The building permit application shall be accompanied by standard drawings of the structural components of the wind energy conversion system, including support structures, tower, base, and footings, in sufficient detail to allow for a determination that the structure conforms to the building code of the city. Drawings and any necessary calculations shall be certified in writing by a registered professional engineer and shall affirmatively state that the proposed system will comply with the building code. Where the structural components or installation varies from the standard design or specification, the proposed modifications shall be certified by a registered professional engineer for compliance with the seismic and structural design provisions of the building code.

(3) Compliance with zoning ordinance. Wind energy conversion systems shall only be constructed and used pursuant to and in compliance with the city zoning ordinance.

(4) Compliance with National Electrical Code. Building permit applications shall be accompanied by a line drawing identifying the electrical components of the wind system

to be installed in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. The application shall include a statement from a registered professional engineer indicating that the electrical system conforms with good engineering practices and complies with the National Electrical Code. All equipment and materials shall be used or installed in accordance with such drawings and diagrams.

(5) Rotor safety. Each wind energy conversion system must be equipped with both manual and automatic controls to limit the rotational speed of the blade below the design limits of the rotor. The application must include a statement by a registered professional engineer certifying that the rotor and overspeed controls have been designed and fabricated for the proposed use in accordance with good engineering practices.

(6) Guy wire. Anchor points for guy wires for the WECS tower shall be located within property lines and not on or across any aboveground electric transmission or distribution line.

(7) Tower access. Towers shall have either:

(a). Tower-climbing apparatus located no closer than twelve (12) feet from the ground;

(b). A locked anti-climb device installed on the tower; or

(c). The tower shall be completely enclosed by a locked protective fence at least six (6) feet high.

(8) Noise. The WECS shall meet the requirements of the performance standards which pertain to noise level as set forth in the city zoning ordinance.

(9) Sign. At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage. Sign size shall not exceed two (2) square feet.

(10) Setbacks. The following setback requirements shall apply: WECS shall be set in from any and all property lines a distance equal to the height of the tower plus the furthest vertical extension of the blade, rotor, or propeller assembly, except as noted in subsection (11) where an additional five-foot setback is required for separation from overhead utility lines.

(11) Additional locational requirements. The WECS shall be located a sufficient distance from any overhead utility lines, excluding service drops, such that a structural failure of any portion of the WECS or its supporting structure would not cause any portion of it to fall within five (5) feet of the lines.

(12) Utility notifications (for those WECS which will be interconnected to a utility grid). No

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WECS shall be installed until evidence has been given that the utility company has been notified in writing.

Sec. 18-4823. Enforcement.

The ~~city~~ building official shall cause all wind energy conversion systems for which permits have been issued and regulated by this article to be inspected from time to time for compliance with this article. In case of noncompliance, the ~~city~~ building official shall notify the permit holder to correct the condition within ten days. In the event of failure, or the refusal of the permit holder to comply as ordered, the ~~city~~ building official shall revoke the permit. However, upon a showing of hardship or other circumstances warranting such action, the ~~city~~ building official shall have the authority to grant an extension not to exceed 30 days to make the correction or to finish the wind energy conversion system. Any person who commits any acts declared to be unlawful or fails to perform any act required by this article shall be subject to the provisions of section 1-14.

(a). Maintenance; abatement of hazardous conditions. If a wind energy conversion system is not maintained in operational condition or in any way poses a potential safety hazard, the owner or operator shall take expeditious action to remedy the situation. The city reserves the authority to abate any hazardous situation and to pass the cost of such abatement on to the owner or operator of the system. If the city determines that the WECS has been abandoned and poses a safety hazard, the system shall be removed within forty-five (45) days of written notice to the owner or operator of the system.

(b). Reinspection and recertification. Reinspection and recertification of the WECS shall be done by qualified inspection personnel once a year. Within ten (10) days of the inspection being made, a written report of this inspection shall be submitted to the building official. Any significant change or modification of a WECS will require recertification by a registered professional engineer within forty-five (45) days.

Sec. 18-4834. Appeals.

Whenever the ~~city~~ building official shall refuse to grant any permit authorized under this article or shall issue an order requiring compliance with this article, or revoke a permit issued under this article, the person aggrieved shall have the right to appeal to the board of adjustment created pursuant to Charter sections 10.05 and 10.06, as provided in the zoning regulations, chapter 78 of this Code.

(a). Any person who is required to remove or modify a WECS as a result of this article may, within a seven-day period after the service of notice is given, request, in writing, a hearing to determine whether he or she is in violation of this article. If a person does request the hearing, it will be held (after notice is given to the person appealing) before the building official within five (5) days of the date the request is received, at a time to be determined by the building official.

(b). If the building official, after considering the evidence, decides that the WECS in question is in fact in violation of this article, then the WECS shall be removed or brought into

compliance within thirty (30) days from the time the building official's decision is rendered.

(c). This section shall not in any way negate the right of the city to immediately remove any WECS creating a real and immediate danger to life or property.

Secs. 18-485—18-489. Reserved.

DIVISION 3. - STANDARDS

Sec. 18-490. Property size and number per property.

Permits shall be granted for wind energy conversion systems on lots of one-half acre or larger and shall be considered a permitted use in all zoning classifications where structures of any sort are allowed. The wind energy conversion system maximum tower height of one-half acre to two acres shall be 45 feet with only one system allowed. ~~Over two acres the maximum tower height shall be 80 feet with only two systems allowed.~~ Clearance from blade tip to ground shall not be less than 20 feet. Any request for a wind energy conversion system not in compliance with this section shall be approved by special permit as adopted in chapter 78 of this Code.

Sec. 18-491. Construction.

The wind energy conversion system shall be rated for a minimum survival wind speed of 1~~2~~50 mph or site specific using ASCE 7. No portion of a wind system shall extend over any adjacent property lines or be permitted within any lot setback requirements for structures as contained in other parts of the city ordinances or be located any closer to adjacent property lines than the required fall zone. No part of a wind energy conversion system, including guy wires, may be located closer than ten feet of an adjacent property line. No part of a wind energy conversion system shall be located in the front yard or side yard as defined in section 78-3 of this Code. The proposed wind energy conversion system shall include an engineering analysis of the tower and foundation system for the soil type and wind loading. Compliance with the city electricity code and an electrical permit shall be required. Wind energy conversion systems shall be equipped with a disconnect switch between the main breaker box and the turbine that is clearly marked, visible from the main breaker box, and accessible. A wind energy system will not substantially affect adversely the use of adjacent properties.

Sec. 18-492. Utility connected.

Any grid-tied system connected to the electric utility company will require notification from the utility company with the intent to install an interconnected customer-owned power generator. Wind turbines shall be equipped with automatic overspeed controls and grid-tied systems shall meet the automatic shutdown requirements of the utility company in case of grid shutdown.

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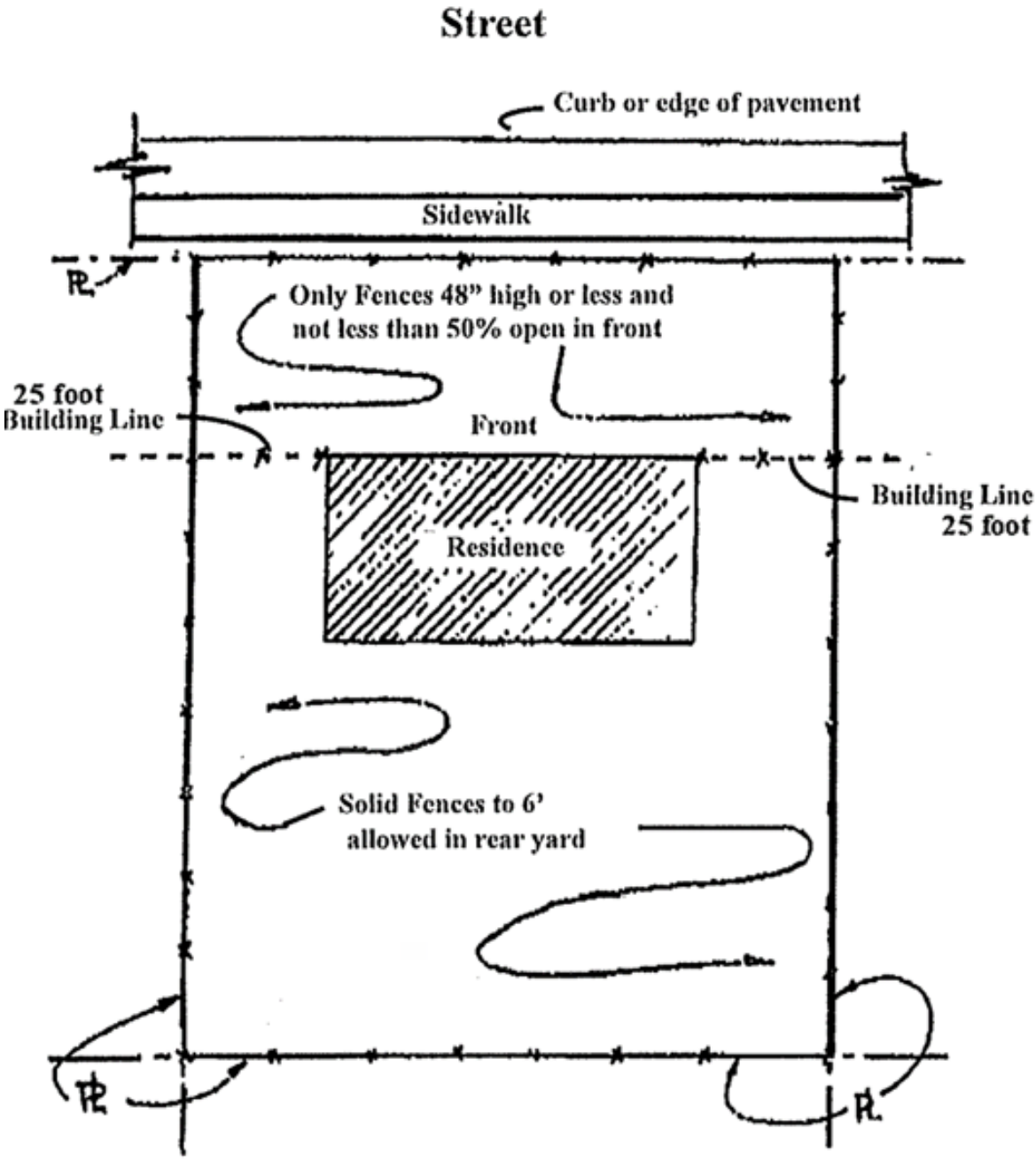


Figure 1 — Interior Lot

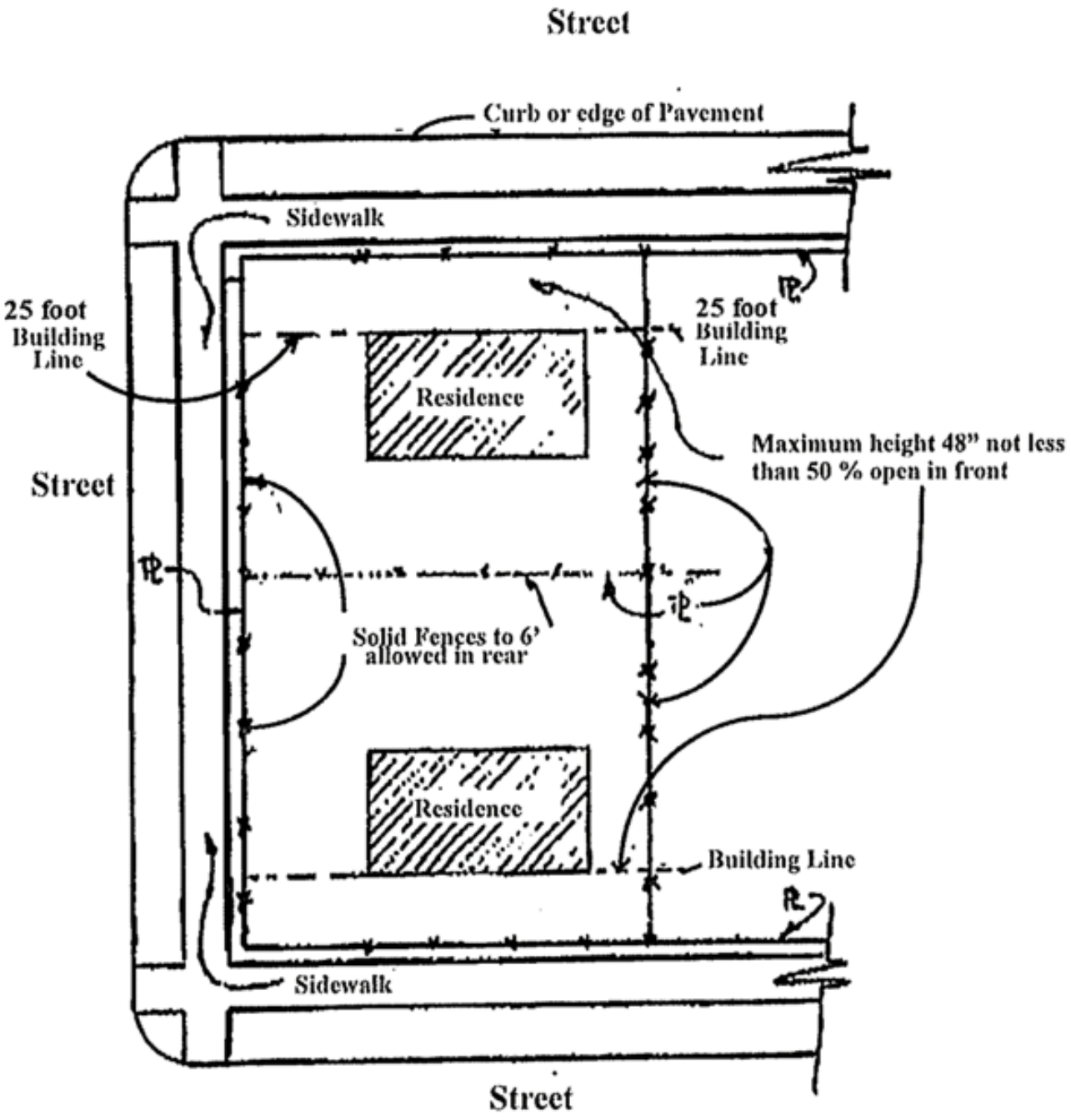


Figure 2 — Corner Lot

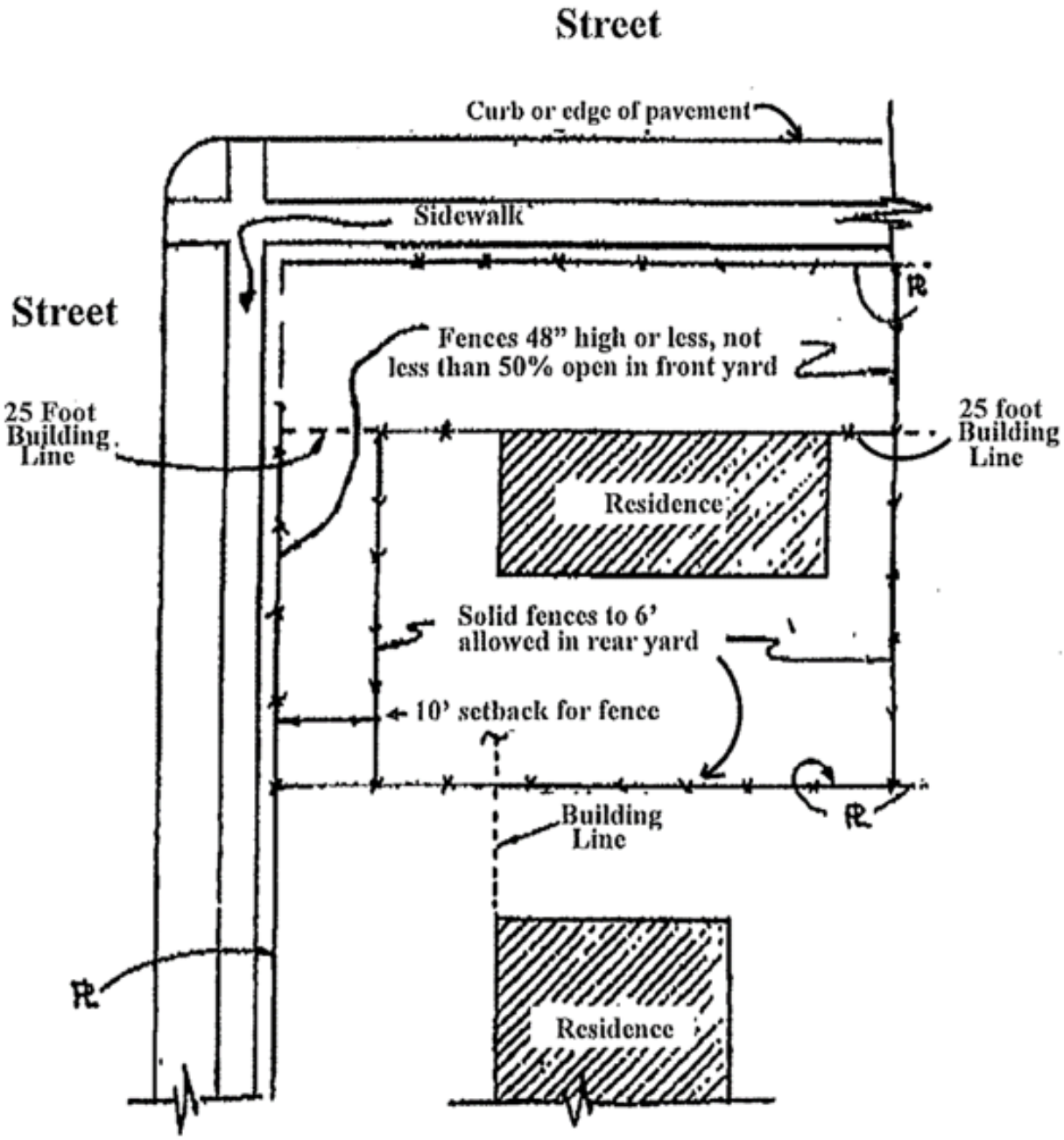
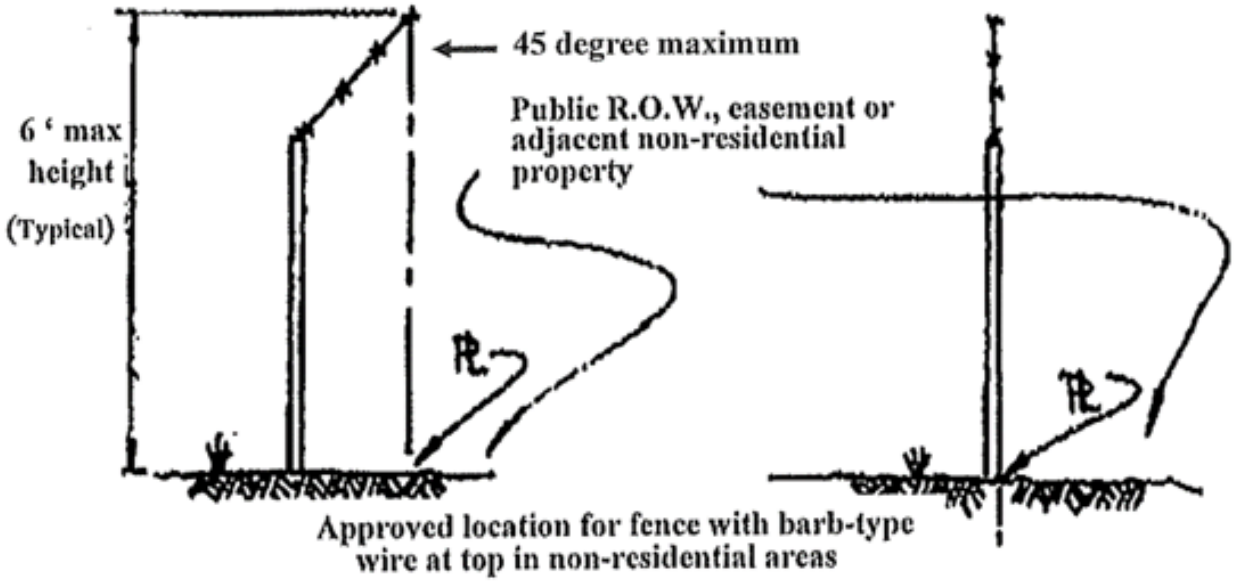


Figure 3 — Reverse Corner Lot



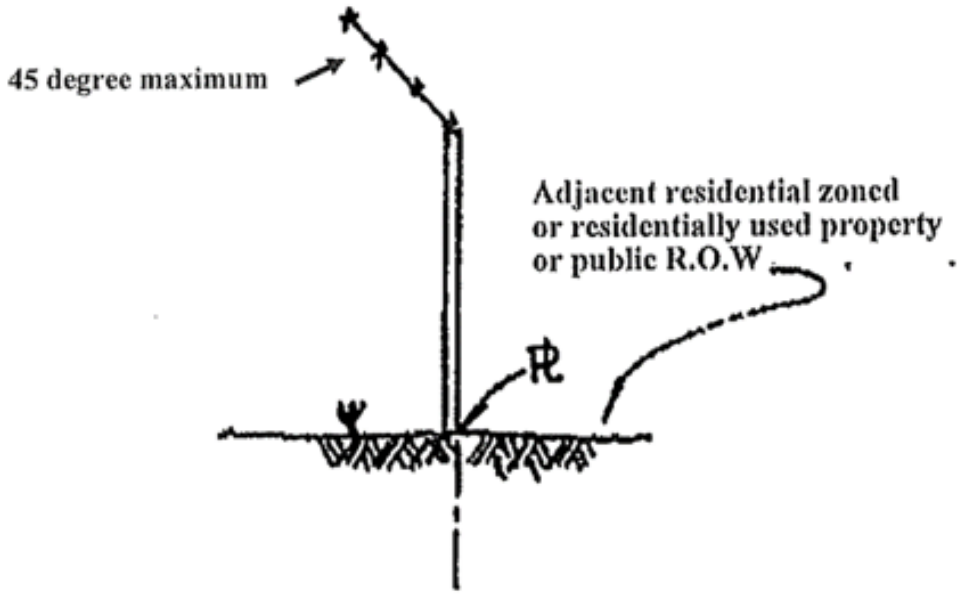


Figure 4 — Barb-Wire Fences

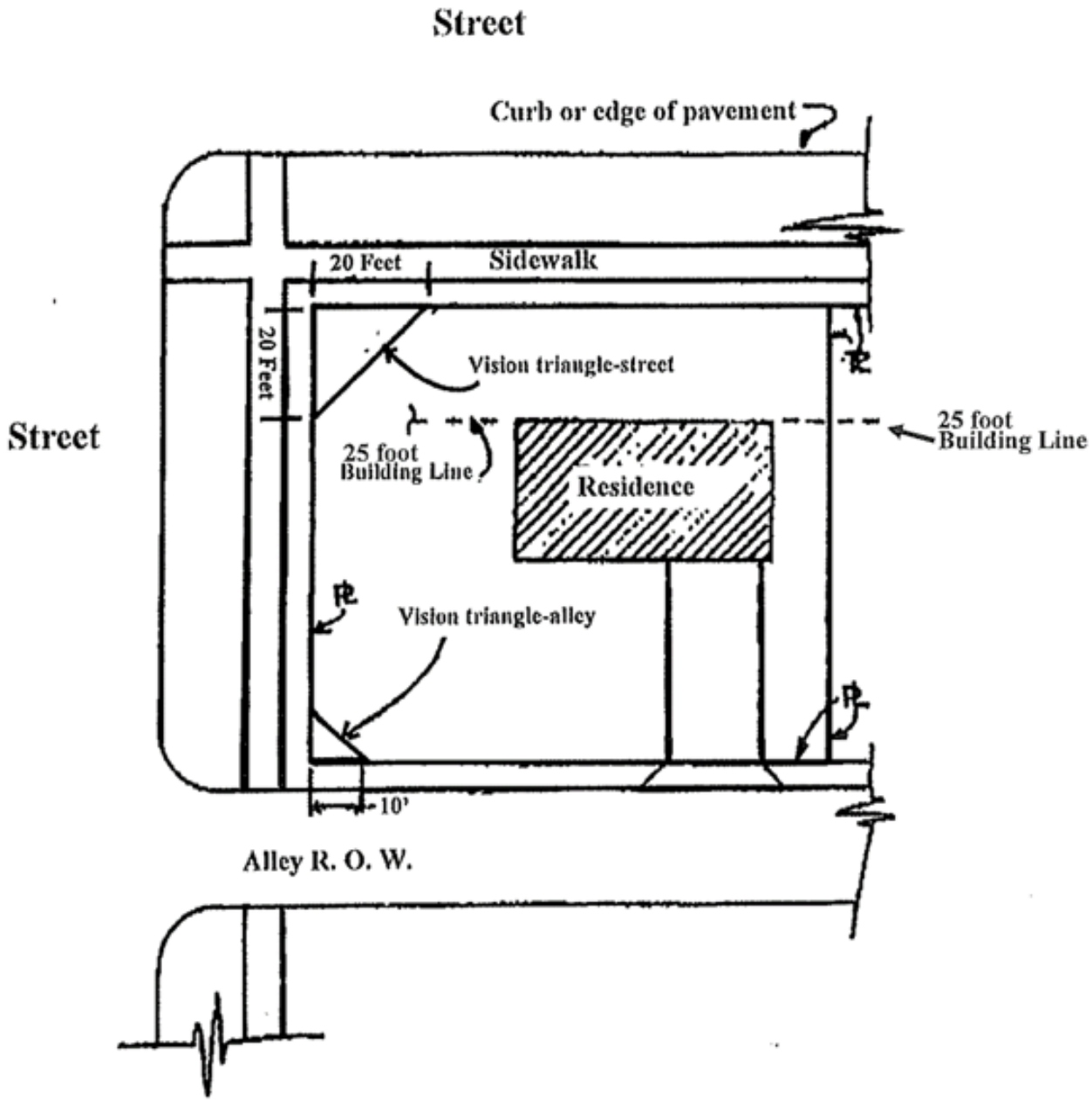


Figure 5 — Vision Triangle

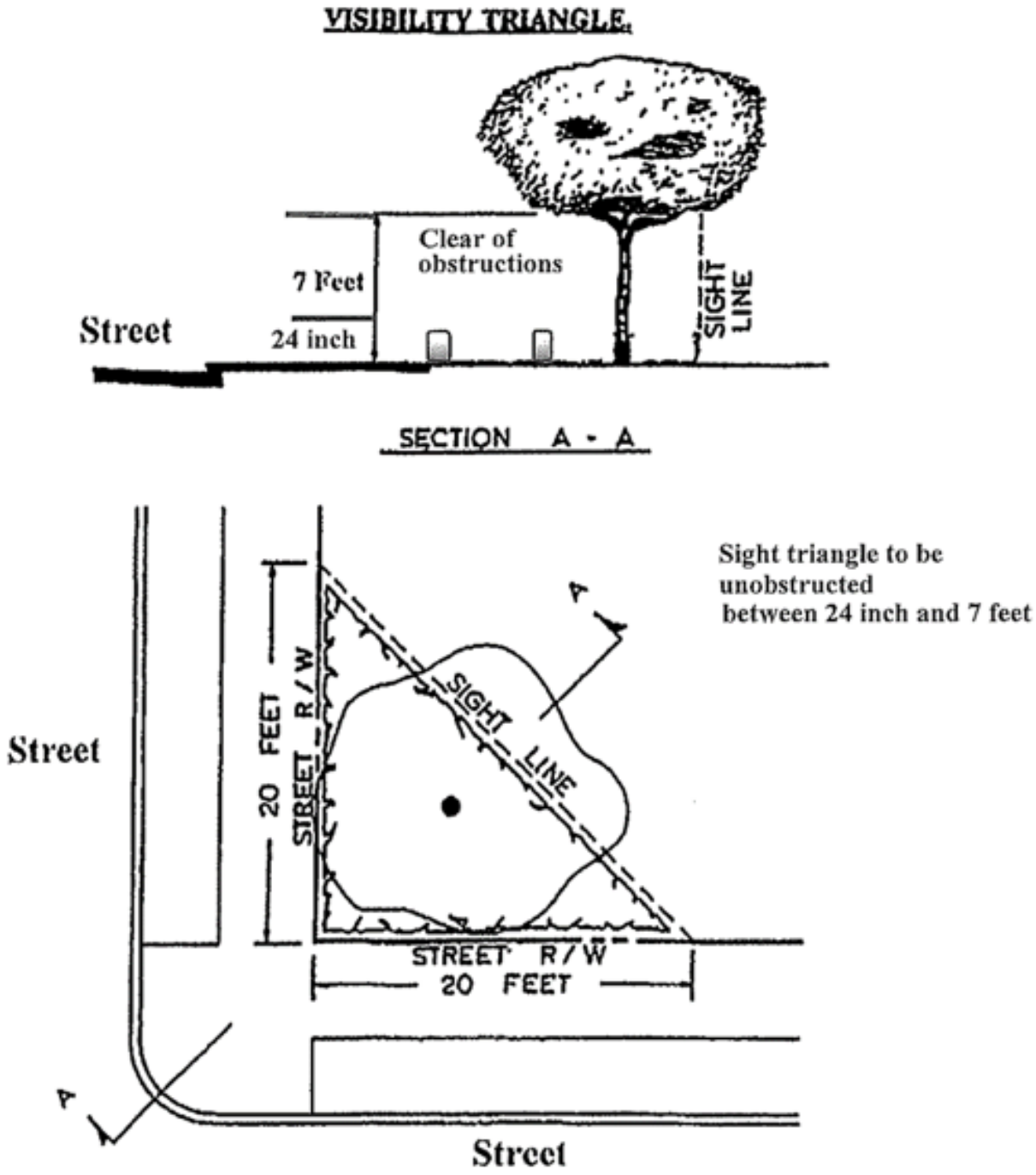


Figure 6 — Visibility Triangle

Section 2. Effective Date. As provided by Article III, Section 3.11C of the Charter of the City of Ingleside, this ordinance shall be effective upon adoption and, in addition, if any penalty, fine or forfeiture is imposed by this ordinance, then this ordinance shall be effective only after publication of this ordinance in its entirety or in summary form once in the official newspaper of the City of Ingleside.

Section 3. Reading. As provided by Article III, Section 3.11.B of the Charter of the City of Ingleside, this ordinance, or the caption of it, shall be read at two City Council meetings with at least two weeks elapsing between each reading.

Section 4. Severance. If any part of this ordinance is invalid or void or is declared to be so, then said part shall be severed from the balance of this ordinance and said invalidity shall not affect the balance of this ordinance, the balance of the ordinance to be read as if said invalid or void portion thereof were not included.

Section 5. Publication. As provided by Article III. Section 3.11C, this ordinance shall be published one time in the official newspaper of the City of Ingleside, San Patricio County, Texas, which publication shall contain the caption of this ordinance stating in substance the purposes of same.

PASSED, ORDAINED, APPROVED AND ADOPTED this 12th day of Decmber 2023 by ___ (ayes) to ___ (nays) with ___ abstentions by a vote of the City Council of the City of Ingleside.

CITY OF INGLESIDE, TEXAS

_____
Pedro Oscar Adame, Mayor

ATTEST:

_____
Ruby Beaven, City Secretary

First Reading: November 14, 2023

Second Reading: December 12, 2023

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CITY COUNCIL AGENDA
Regular Meeting: December 12, 2023

AGENDA ITEM: 12

Deliberate and take appropriate action on the second and final reading of an Ordinance amending Chapter 34 - Fire Prevention and Protection, Ingleside Code of Ordinances and further providing for effective date, reading, severance, and publication.

SUBMITTED BY: Gene Delauro, Interim Building Official

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

The City of Ingleside adopted the 2012 International Fire Code for all commercial and residential buildings on December 16th, 2014. Staff proposes to adopt the 2018 International Fire Code. The adoption of the 2018 International Fire Code will align the City of Ingleside Fire Code with fire codes adopted by surrounding communities and ensure buildings and construction conform to the latest and best practices for fire safety industry.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

The Planning & Zoning Commission met on May 22, 2023 and recommended approval of the adoption of the 2018 International Fire Code to the Ingleside City Council.

ATTACHMENTS:

1. Ch 34 FIRE PREVENTION AND PROTECTION

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING CHAPTER 34 – FIRE PROVENTION AND PROTECTION, INGLESIDE CODE OF ORDINANCES AND FURTHER PROVIDING FOR EFFECTIVE DATE, READING, SEVERANCE, AND PUBLICATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INGLESIDE, COUNTY OF SAN PATRICIO, STATE OF TEXAS:

Section 1. Amendment. Chapter 34 – Fire Prevention and Protection is hereby amended to read as follows, new matter being indicated by language and underscoring in red and deleted language by strikethrough in black.

Chapter 34 FIRE PREVENTION AND PROTECTION

Sec. 34-1. International Fire Code 201~~2~~8 Edition adopted; penalty for violation of chapter.

(a) The International Fire Code, 201~~2~~8 Edition, including Appendix Chapters B, C, D, E, F, G, H, I, J, K, L, M, N. ~~(see International Fire Code Section 101.2.1, 2012 edition)~~, as published by the International Code Council, the whole thereof, save and except such portions as may be amended, of which not less than one copy has been and is now filed in the office of the city secretary is hereby adopted.

(b) The rules and regulations for the safe storage, handling, and use of flammable liquids at retail service stations promulgated by the state department of insurance and the whole thereof, save and except such portions as may be amended, of which not less than one copy has been and is now filed in the offices of the city is hereby adopted and incorporated as fully as if set forth in this subsection. On the date on which this ordinance from which this chapter was derived shall take effect, the provisions thereof shall be controlling with regard to all of the provisions contained therein pertaining to fire prevention and the safe storage and handling of flammable liquids within the area of jurisdiction of the city.

(c) Violation of any of the terms of the standards adopted in this section, shall, in addition to any and all other penalties or remedies in such code and rules and regulations above described and adopted shall be punishable as provided in section 1-14. All such persons in violation of the standards adopted in this section shall be required to correct or remedy such violation or defects within a reasonable time.

The application of this penalty shall not be held to prevent the enforced removal of prohibited conditions, use, or operations, or any other remedies permitted by law.

Sec. 34-2. Amendments and deletions.

The fire prevention code adopted in section 34-1 is amended as follows:

Section 101.1 is amended to read as follows:

[A] 101.1 Title. These regulations shall be known as the Fire Code of the City of Ingleside, Texas, hereinafter referred to as "this Code".

Section 10~~8~~9 is amended to read as follows:

The board of adjustment of the city, which has been established pursuant to Charter sections 10.05 and 10.06 and which functions as the board of adjustment under the zoning ordinance of the city and under V.T.C.A., Local Government Code §§ 211.008 through 211.010, is hereby designated as the appellate body to hear appeals and, where appropriate, to grant special exceptions and variances under the code adopted in section 34-1, and any provision in the code in conflict is hereby repealed.

All requirements and rules concerning the appropriate appellate body, its constitution and make up, the number, appointment, qualifications and terms of office of members, quorum and voting requirements, vacancies and filling of vacancies, duties, power and authority of the body, and all procedural and other rules regarding the taking of appeals to or from and hearings before such body shall be the same for all matters arising under this code as they are for all matters arising under the zoning code and regulations. Those requirements and rules are set forth in the rules of procedure adopted by the board of adjustment to govern its own procedures.

Section 2. Effective Date. As provided by Article III, Section 3.11C of the Charter of the City of Ingleside, this ordinance shall be effective upon adoption and, in addition, if any penalty, fine or forfeiture is imposed by this ordinance, then this ordinance shall be effective only after publication of this ordinance in its entirety or in summary form once in the official newspaper of the City of Ingleside.

Section 3. Reading. As provided by Article III, Section 3.11.B of the Charter of the City of Ingleside, this ordinance, or the caption of it, shall be read at two City Council meetings with at least two weeks elapsing between each reading.

Section 4. Severance. If any part of this ordinance is invalid or void or is declared to be so, then said part shall be severed from the balance of this ordinance and said invalidity shall not affect the balance of this ordinance, the balance of the ordinance to be read as if said invalid or void portion thereof were not included.

Section 5. Publication. As provided by Article III. Section 3.11C, this ordinance shall be published one time in the official newspaper of the City of Ingleside, San Patricio County, Texas, which publication shall contain the caption of this ordinance stating in substance the purposes of same.

PASSED, ORDAINED, APPROVED AND ADOPTED this 12th day of December 2023 by ___ (ayes) to ___ (nays) with ___ abstentions by a vote of the City Council of the City of Ingleside.

CITY OF INGLESIDE, TEXAS

_____
Pedro Oscar Adame, Mayor

ATTEST:

_____
Ruby Beaven, City Secretary

First Reading: November 14, 2023

Second Reading: December 12, 2023

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CITY COUNCIL AGENDA
Regular Meeting: December 12, 2023

AGENDA ITEM: 13

Deliberate and take apporiate action on the second and final reading of an Ordinance amending Chapter 78 – Zoning, Article I – In General, Article II – Administration, Article III – Nonconforming Uses and Buildings, Article IV – District Regulations, Article V – Supplementary District Regulations, and Article VI - Miscellaneous, Ingleside Code of Ordinances and further providing for effective date, reading, severance, and publication.

SUBMITTED BY: Gene Delauro, Interim Building Official

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

Chapter 78 of the City of Ingleside Code of Ordinances contains zoning (land use) requirements and procedures for zoning changes in land designations. The existing language contained in Chapter 78 was adopted in 1979 with minor language modifications made through the years.

The existing language and processes require updating to recognize updated State of Texas regulatory requirements, a reorganization of the information that follows a sequential process from beginning to end and to remove redundant outdated information.

Key revisions include revised definitions, Intensive Uses requirements, added new sub-zoning district classifications, consolidated height and area requirements, revised travel trailer and RV park requirements and modifications to accessory buildings, parking, signs and lighting requirements.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

The Planning & Zoning Commission met on Auguast 8, 2023 and recommended approval of the revised Chapter 78 – Zoning ordinance to the City Council.

ATTACHMENTS:

1. Ch 78 ZONING

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING CHAPTER 78 - ZONING, ARTICLE I – IN GENERAL, ARTICLE II – ADMINISTRATION, ARTICLE III – NONCONFORMING USES AND BUILDINGS, ARTICLE IV – DISTRICT REGULATIONS, ARTICLE V – SUPPLEMENTARY DISTRICT REGULATIONS, AND ARTICLE VI – MISCELLANEOUS, INGLESIDE CODE OF ORDINANCES AND FURTHER PROVIDING FOR EFFECTIVE DATE, READING, SEVERANCE, AND PUBLICATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INGLESIDE, COUNTY OF SAN PATRICIO, STATE OF TEXAS:

Section 1. Amendment. Chapter 78 – Zoning, Article I – In General, Article II – Administration, Article III – Nonconforming Uses and Buildings, Article IV – District Regulations, Article V – Supplementary District Regulations, and Article VI - Miscellaneous is hereby amended to read as follows, new matter being indicated by language and underscoring in red and deleted language by strikethrough in black.

Chapter 78 ZONING

ARTICLE I. IN GENERAL

Sec. 78-1 Purpose and intent of chapter.

(a) It is hereby declared to be the purpose and intent of the city council in enacting this chapter that the zoning regulations and districts as established in this chapter have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid the undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, for the character of the district, and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city, consistent with a comprehensive plan.

(b) Except as otherwise provided in this chapter:

1. No land may be used except for a purpose permitted in the zoning district in which it is located;
2. No structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any structure or part of a structure be used, except for a use permitted in the zoning district in which the structure is located;

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3. No structure shall be erected, converted, enlarged, reconstructed, or structurally altered to be in violation of the development standards established for the zoning district in which the structure is located; and

4. No structure shall be erected and no structure existing at the time of passage of this chapter shall be enlarged or structurally altered except in conformity with the standards established in this chapter.

(c) Except as otherwise provided in this chapter, the minimum yards, off-street parking, parking, loading, and stacking spaces, and open spaces required by this chapter for any use or structure shall not be encroached upon or considered as required minimum yard, parking, loading and stacking spaces or open space for any other use or structure, nor shall any lot area be reduced below the requirements of this chapter.

(d) Every structure hereafter erected or structurally altered shall be located on a lot and, except as provided in this chapter, in no case shall there be more than one principal structure on one single-family or two-family residential lot.

~~(b) All land, buildings, structures, or appurtenances thereon located within the city which are hereafter occupied, used, erected, altered or converted shall be used, placed and erected in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located, except as provided in this chapter. Land used in meeting the requirements of this chapter, with respect to a particular use or building, shall not be used to meet the requirements for any other use or building.~~

~~(c) No illegal use or building shall be deemed to have been legalized unless such use falls within a use district where the actual use and standards under the terms of this chapter would be conforming. Any use which does not conform to provisions of this chapter shall be a nonconforming use or structure if it legally existed prior to adoption of the ordinance from which this chapter was derived or an illegal use if it did not exist as a conforming or nonconforming use or structure, as the case may be. It is further the intent and declared purpose of this chapter that no offense committed, and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the time the previous zoning ordinance was repealed and this chapter adopted shall be discharged or affected by such repeal. However, prosecutions and suits for such offenses, liabilities, penalties, or forfeitures may be instituted or causes presently pending proceeded within all respects as if such prior ordinance had not been repealed.~~

~~(d) The use of a recreational vehicle (RV) may be allowed, at the discretion of the building official, for security purposes on a property in conjunction with an active building permit for new residential structures or new commercial structures for a period not to exceed 180 days beginning on the date of the permit issuance. All such RVs and utility connections must be inspected and approved by the building official or his agent as assigned.~~

Sec. 78-2 Interpretation of article; conflicts.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of public safety, health, convenience, comfort, morals, prosperity, and general welfare. It is not intended by this chapter to interfere with or abrogate or

annul any easements, covenants, or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises or upon height of buildings or requires larger open spaces than are imposed or required by agreements, the provisions of this chapter shall govern.

Sec. 78-3 Definitions.

For the purpose of this chapter, certain terms and words are hereby defined: words used in the present tense shall include the future; the word "shall" be mandatory and not directive. Said words and terms are as follows:

Accessory building: A subordinate building or portion of the main building, the use of which is incidental to that of the main building, and which is not used for dwelling purposes except when designed for residential occupancy for by domestic employees employed on the premises, or such as mothers-in-law or other family members, but is not to become a rental unit, and is located on the same lot occupied by the main use or building.

Administrative officer means the person designated by the city manager as the administrative officer to enforce this chapter.

Adult day care facility means a facility which provides counseling, recreation or food or any combination of these services on a daily or regular basis excluding overnight care to four or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility.

Alley means a public way which affords a secondary means of access to property abutting thereon.

Billboard means an outdoor advertising display sign when such sign is supported by uprights or braces in or upon the ground.

Building, height of means the vertical distance from the grade (elevation of the curb, sidewalk, or average elevation of the ground around the structure) to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

Building line means a line parallel or approximately parallel to the street line and beyond which buildings may not be erected.

Day care center means any facility, whether or not known or incorporated under descriptive titles or names such as nursery school, kindergarten, play school, child development center, early childhood center, and others that correspond, which accepts 13 or more children under the age of 14 for day care. This term applies to the program, buildings, grounds, furnishings, and equipment.

Dwelling means any building or portion thereof designed and used exclusively for residential purposes.

Dwelling, single-family means a building designed for or occupied exclusively by one family as a residence.

Dwelling, two-family means a building designed for or occupied by two families, living independently of each other for residential purposes.

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Dwelling, three-family means a building designed for or occupied by three families, living independently of each other, for residential purposes.

Dwelling, four-family means a building designed for or occupied by four families, living independently of each other, for residential purposes.

Dwelling, multiple family means a building designed for or occupied exclusively by five or more families, living independently of each other, for residential purposes.

Family means one or more individuals living together as a single housekeeping unit, as distinguished from a group occupying a ~~lodginghouse~~ lodging house, boardinghouse, or hotel.

Farm means an area used for the growing of ~~agricultural~~ products and their storage on the areas, as well as the raising thereon of the animals and poultry.

Frontage means all the property abutting upon one side of a street between two intersecting streets measured along the street line, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

Garage, private means a building used for the housing of motor vehicles, which are the property of and for the private use of the occupants of the lot on which it is located. No more than one of the vehicles may be a commercial vehicle of not more than three tons capacity.

Garage, public means a garage other than a private garage where motor vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

Group homes or "personal care facilities" with more than three residents unrelated to the property owner in a residential community in the State of Texas must be properly licensed through the Texas Department of Aging and Disability Services (DADS). Personal care facilities with less than four residents unrelated to the property owner are not required to register with the state.

The following uses are permitted in some or all residential districts, by right or with a special use permit.

Group day care facility means a facility where a maximum of 12 children under the age of 14 years of age may be cared for on a regular basis for a period of less than 24 hours per day whether for compensation or not. This maximum number of children shall include any children at the facility under the age of 14 that are related to the director and/or staff of the facility. The children may be any combination of infants, preschoolers, and school age as outlined in the T.D.P.R.S. guide on group day care facilities. This definition shall not include kindergarten, pre-kindergarten, and schools listed elsewhere in this ordinance.

Family Home, a facility or area providing food and shelter, personal guidance, care, rehabilitation services, or supervision for not more than six disabled persons, regardless of their legal relationship to one another, and two supervisory personnel. A family home is a community-based residential home operated by the Texas Dept. of Mental Health and Mental Retardation Act, which provides services to disabled persons, or a nonprofit entity certified by the Texas Dept. of Human Resources as a provider under the intermediate care facilities for the mentally retarded program.

Foster Family Home, a facility or area providing full time parental care for six or fewer total minor children for which reimbursement or fee is received for any one or more of the children in return for such services. This use must comply with statutory licensing requirements.

Foster Group Home, a facility of area providing full time parental care for seven to twelve total minor children for which reimbursement or fee is received for any one or more of the children in return for such services. This use must comply with statutory licensing requirements.

Personal Care Facility, a residence, licensed by the Texas State Dept. of Health which provides services to ambulatory residents, such as food preparation, housekeeping, and supervisory assistance for routine daily activities. The Ordinance allows 6 or fewer residents by right, while requiring an SUP for 7 or more persons in all residential districts other than multifamily residential districts, where it is allowed by right.

Other care facilities that are not permitted in most or all residential districts are:

Boarding House, a boarding house is a residential structure that provides lodging for five or more persons with or without meals, is available on a more or less temporary basis, and which makes no provisions for cooking in any of the rooms occupied by paying guests. (This definition also provides separate categories and definitions for Fraternity/Sorority House and Private Dorm).

Halfway House, a facility for the housing, rehabilitation, and training of persons on probation or parole from correctional institutions, or other persons found guilty of criminal offenses.

Nursing Home, a facility or area furnishing food and shelter in single or multiple facilities to five or more persons who are not related by blood, marriage, or adoption to the owner or proprietor of the establishment. In addition, the facility provides minor treatment under the direction and supervision of a physician or provides a service which meets some need beyond the basic provisions of food, shelter and laundry.

Supervised Living Facility, a residential facility of three or more dwelling units providing living quarters restricted to individuals who require access to services but not daily nursing or medical intervention. Incidental uses and/or services may include protective supervision, personal care, social and recreational services, assistance with medical requirements, laundry, and transportation service, private or common kitchens/dining facilities, as long as such services are provided to residents only.

Home occupation means any occupation or profession engaged in by the occupants of a dwelling not involving the conduct of a retail business, and not including any occupation conducted in any building on the premises excepting the building which is used by the occupant as his private dwelling. Home occupations shall include, in general, personal services such as those furnished by an architect, lawyer, physician, dentist, musician, artist, and seamstress, when performed by the persons occupying the building as his private dwelling and not including a partnership or the employment of more than one assistant in the performance of such services.

Hotel means a building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a ~~lodginghouse~~ lodging house or boardinghouse.

Industrialized housing means a residential structure that is:

(1) designed for the occupancy of one or more families.

(2) constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and

(3) designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system.

Industrialized housing includes buildings and structures defined in the Industrialized Housing and Buildings Law, Texas Occupations Code, Chapter 1202 and Industrialized Housing and Buildings Administrative Rules, Texas Administrative Code, Chapter 70.

~~*Lodginghouse*~~ *Lodging house* *or* ~~*b*~~*Boardinghouse* means a building ~~other than a hotel occupied as a single housekeeping unit where lodging and meals for three or more persons are provided for compensation, pursuant to previous arrangements for definite periods, but not to the public or transients.~~ or part of a building containing no fewer than three Lodging Units, which does not appear to function as a Dwelling Unit, although one may be included with the Lodging Units. It includes, without limitation, a rooming house and a boarding house, a fraternity house, a sorority house, a student residence, and an apartment hotel. It does not include a Hotel, a Crisis Care Residence, a Group Home, a Correctional Group Home, a Bed and Breakfast Establishment, a Nursing Home, or a Retirement Residence.

Lot, means any designated parcel of land located in a residential subdivision, including any improvements on the designated parcel occupied or intended for occupancy by a use permitted in this chapter, including one main building together with accessory buildings, open spaces, and parking spaces required by this chapter, and having its principal frontage upon a street, or upon an officially approved place.

Lot, corner means a lot ~~abutting upon two intersecting streets at their intersection.~~ situated at the intersection of and abutting upon two streets, or upon two parts of the same street, the adjacent sides of which street or streets, (or, in the case of a curved corner, the tangents at the street extremities of the side lot lines) contain an angle of not more than 135 degrees.

Lot, reverse corner means a corner lot, the side street line of which is substantially a continuation of the front line of the first lot to its rear.

Lot, depth of means the mean horizontal distance between the front and rear lot lines. If the front and rear lot lines are not parallel, lot depth means the length of a straight line joining the middle of the front lot line with the middle of the rear lot line.

Lot, width means the mean horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines for rectangular shaped lots parallel to street right-of-way.

Manufactured home and *manufactured home park, travel trailer* and *travel trailer park, recreational vehicle* and *recreational vehicle park,* and *HUD-Code manufactured home subdivision* shall have the meanings given in division 13 of article IV of this chapter.

Motel means a building or group of buildings which provide lodgings and in which the rooms are usually reached directly from an outdoor parking lot used for the temporary residence of motorists or travelers.

Nonconforming use means any use, building, or yard existing legally at the time of passage of the ordinance from which this section derived which does not conform with the regulations of the district within which it is located.

Parking space means an area of not less than 180 square feet, measuring approximately nine feet by 20 feet, not on a public street or alley, with a permanent concrete or asphalt paved surface capable of sustaining striping and signage located on the same lot, an adjoining lot or nearby lot.

Place means an open, occupied space other than a street or alley permanently reserved as the principal means of access to abutting property.

Registered adult personal care facility means a facility licensed by the state to provide care for adults on a 24-hour basis. This type of facility is limited to a maximum of 12 adults at any time.

Registered family home facility means a facility where care is provided for a maximum of six children under the age of five years and no more than six additional school age children as defined by the state department of protective and regulatory services (T.D.P.R.S.). The maximum number of children, including any children related to a licensee, is no more than 12 at any time. Children may be kept 24 hours per day, but the facility must meet the guidelines of T.D.P.R.S.

Servant's quarters means an accessory building or portion of a main building located on the same lot as the main building used as living quarters for servants employed on the premises and not rented or otherwise used as a separate dwelling.

Story means that portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and ceiling next above it.

Story, half means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than five feet above the top floor level, and that is finished off for use. A half story may be used for occupancy only in conjunction with and by the occupants of the floor immediately below.

Structural alteration means any change ~~in structural~~ to the supporting members of a building ~~such as~~ including foundations, bearing walls, partitions, columns, beams or girders, or any structural change in the roof or in the exterior walls.

Structure means anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a location on the ground including, but not limited to, buildings of all types, advertising signs, billboards, and poster panels, but exclusive of customary fences or boundary or retaining walls.

Street means any public or private way set aside as a permanent right-of-way for street purposes and used as a means of access to abutting property.

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Trailer means a vehicular portable structure such as a travel trailer or camping trailer or self-propelled pickup truck camper or motor home designed as a temporary dwelling for travel, recreation and vacation uses.

Yard means an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. A yard extends along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations of the zoning district in which such building lot is located.

Yard, front means a yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street or place line and the main building or any projections thereof, other than the projections of the usual uncovered steps, terraces, porches, or entranceways. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, rear means a yard extending across the rear of the lot, measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and rear of the main building or any projection other than uncovered steps, porches, entranceways, or private garages.

Yard, side means a yard between the main building and the ~~side line~~ sideline of the lot and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of a main building or projection thereto.

Sec. 78-4. Penalty for violation of chapter.

(a) Any person or corporation who shall violate any of the provisions of this chapter or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building or use in violation of any detailed statement or plan submitted and approved under this chapter shall, upon conviction, be punished as provided in section 1-14.

(b) Each day such violation shall be permitted to exist, shall constitute a separate offense.

(c) The owner of any building or premises or part thereof where anything in violation of this chapter shall be placed or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith and who may have assisted in the commission of any such violation shall be guilty of a separate offense and, upon conviction, shall be fined as provided in section 1-14.

(d) The city shall have the power to enforce the provisions of this chapter through civil court action as provided by state law.

Secs. 78-5—78-25. Reserved.

ARTICLE II. ADMINISTRATION

DIVISION 1. GENERALLY

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Sec. 78-26. Enforcement.

(a) *Administrative officer.* It shall be the duty of the person designated by the city manager as the administrative officer to enforce this chapter. Appeal from the decision of the administrative officer may be made to the board of adjustment.

(b) *Right of entry.* The administrative officer or any duly authorized person shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of buildings or premises necessary to carry out ~~his~~ their duties in the enforcement of this chapter.

Secs. 78-27—78-~~35~~50. Reserved.

~~DIVISION 2. PERMITS~~

~~Sec. 78-36. Requirements for building permit.~~

~~No building permits shall be issued for work on, no utility connection shall be made for utility service to, and no utilities or utility service may be provided to or for any property which is not in compliance with this chapter.~~

~~Sec. 78-37. Application and certificate of occupancy required.~~

~~No permit for excavation for, or the erection or alteration of, any building shall be issued before the application has been made and approved for a certificate of occupancy and compliance. No building or premises shall be occupied until that certificate and permit is issued. The city council shall determine the fee that shall be charged for certificates and permits.~~

~~Sec. 78-38. Certificate of occupancy.~~

~~(a) No change in the use or occupancy of land, nor any change of use or occupancy in an existing building, except solely for single-family dwelling purposes, shall be made, nor shall any new building be occupied for any purpose until a certificate has been issued by the administrative officer. Every certificate of occupancy shall state that the new occupancy complies with all provisions of this chapter.~~

~~(b) A certificate of occupancy shall be required for all lawful nonconforming uses of land or buildings created by the adoption of this chapter. Application for such certificate of occupancy for a nonconforming use shall be filed with the administrative officer by the owner or lessee of the building or land occupied by such nonconforming use within one year of the effective date of the ordinance from which this section was derived. It shall be the duty of the administrative officer to issue a certificate of occupancy for a lawful nonconforming use, but failure to apply for such certificate, or refusal of the administrative officer to issue a certificate, shall be evidence that the nonconforming use was either illegal or did not lawfully exist at the effective date of the~~ **~~ordinance from which this section was derived.~~**

DIVISION ~~3~~2. CHANGES AND AMENDMENTS

Sec. 78-51. Public hearing and notice by planning and zoning commission and city council.

(a) The terms and provisions of this section may be amended from time to time, but no such amendment shall be made except by ordinance in compliance with the requirements in this section.

(b) The process for approval of changes and amendments to the zoning district classifications or of a proposal to change regulations applicable in a particular zoning district classification shall be as follows:

1. An application shall be filed with the Administrative Officer.
2. After being deemed administratively complete and appropriate fees paid, a public hearing shall be scheduled before the Planning and Zoning Commission. A minimum of ten days prior to that meeting, written notice of the hearing must be mailed to the owners of all properties located within 200 feet of the land covered by the proposed change and to owners of the lands covered by the proposed change who are not applicants for the change. Additionally, written notice of the hearing must be mailed to the owners of all properties located beyond 200 feet but within 400 feet of the land covered by the proposed change. Notice of the hearing shall also be published in the newspaper of general circulation in the city. A temporary sign (min. 18" x 24"), shall be provided and posted by the City along the property street frontage as an additional notification to the public. The Planning and Zoning Commission shall then hear the case and make a recommendation to the City Council.
3. The City Council shall then conduct a public hearing on the matter. Before the 15th day before the date of the city council hearing, notice of the time and place of the hearing must be published in a newspaper of general circulation in the city or in the official newspaper of the city.
4. Should the owners of 20 percent of the area of land within 200 feet of the land covered by the proposed change, or the owners of 20 percent of land covered by the proposed change file a written, signed protest to the change, the proposed change, in order to take effect, must receive the affirmative vote of three-fourths of all members of the city council.
5. In addition to the foregoing notice, the City shall provide written notice of each public hearing regarding any proposed adoption of or change to a zoning regulation or boundary under which a current conforming use of a property is a nonconforming use if the regulation or boundary is adopted or changed. The notice shall:

    (a) be mailed by United States mail to each owner of real or business personal property where the proposed nonconforming use is located as indicated by the most recently approved municipal tax roll and each occupant of the property not later than the 10th day before the hearing date;

    (b) contain the time and place of the hearing; and

    (c) include the following text in bold 14-point type or larger: "THE CITY OF INGLESIDE IS HOLDING A HEARING THAT WILL DETERMINE WHETHER YOU MAY LOSE THE RIGHT TO CONTINUE USING

YOUR PROPERTY FOR ITS CURRENT USE. PLEASE READ THIS NOTICE CAREFULLY."

(c) All public hearings shall be attended by the property owner-applicant or person, or persons delegated by said property owner in order to provide testimony relevant to the case at hand. Failure to attend hearing may result in the matter being tabled until the next regularly scheduled meeting or removed from the agenda until further notice. Any additional costs involved in order to republish and/or provide written notice to other property owners will be the responsibility of the owner-applicant requesting said public hearing.

~~(b) If the amendment consists of a proposal to change the zoning district classification of a particular parcel of property, i.e. changes the boundaries of a district, a re-zoning, or of a proposal to change regulations applicable in a particular zoning district classification, the planning and zoning commission shall first conduct a public hearing on the matter, after which hearing the planning and zoning commission shall submit its recommendation to the city council. After the city council receives the planning and zoning commission's recommendation, the city council shall conduct a public hearing on the matter and only thereafter may it take action. All public hearings shall be attended by the property owner-applicant or person or persons delegated by said property owner in order to provide testimony relevant to the case at hand. Failure to attend hearing may result in the matter being tabled until the next regularly scheduled meeting, or removed from the agenda until further notice. Any additional costs involved in order to republish and/or provide written notice to other property owners will be the responsibility of the owner-applicant requesting said public hearing.~~

~~(c) If the amendment consists of a proposal to change the zoning district classification of a particular parcel of property, then, before the tenth day before the date of the planning and zoning commission hearing, written notice of the hearing must be mailed to the owners of all properties located within 200 feet of the land covered by the proposed change and to owners of the lands covered by the proposed change who are not applicants for the change. Additionally, written notice of the hearing must be mailed to the owners of all properties located beyond 200 feet but within 400 feet of the land covered by the proposed change.~~

~~(d) If the amendment consists of a proposal to change the zoning district classification of a particular parcel of property or of a proposal to change regulations applicable in a particular zoning district classification, then, before the 15th day before the date of the city council hearing, notice of the time and place of the hearing must be published in a newspaper of general circulation in the city or in the official newspaper of the city.~~

~~(e) If the amendment consists of a proposal to change the zoning district classification of a particular parcel of property or of a proposal to change regulations applicable in a particular zoning district classification, then, if either the owners of 20 percent of the area of land within 200 feet of the land covered by the proposed change, or the owners of 20 percent of land covered by the proposed change file a written, signed protest to the change, the proposed change, in order to take effect, must receive the affirmative vote of three-fourths of all members of the city council.~~

~~(f) In all other cases where an amendment is proposed to the terms or provisions of this section, including amendments involving procedures for the adoption and enforcement of zoning~~

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~~district boundaries and zoning regulations within a district, the city council, before it takes action, shall conduct a public hearing. Notice of the time and place of the hearing must be given as required by the Texas Open Meetings Act, V.T.C.A., Government Code § 551.001 et seq.~~

Sec. 78-52. City council to grant or deny change of zoning classification.

(a) After receiving the planning and zoning commission recommendation, the city council may, after public hearing ~~as provided in subsection (d) of section 78-51 for zoning changes~~, grant or deny the change of zoning.

(b) Whenever any motion or vote on a proposed change of zoning has failed to receive a sufficient affirmative vote to be effective, unless some other action is taken by the city council at the meeting of the city council which has a sufficient affirmative vote to be effective, the proposed change in zoning shall be deemed denied.

Sec. 78-53. Fee.

A fee, as determined by resolution of the city council and listed in appendix A of this Code, shall be paid to the city upon the application of any change or amendment to this chapter.

Secs. 78-54—78-65. Reserved.

DIVISION 4<u>3</u>. SPECIAL USE PERMITS

Sec. 78-66. ~~Application; contents.~~ <u>Applicability</u>

a) <u>The special use permit provides a means for developing certain uses in a manner in which the use will be compatible with adjacent property and consistent with the character of the neighborhood.</u>

b) <u>The grant of a special use permit shall have no effect on the uses permitted ~~as of right and shall not waive the regulations~~ of the underlying zoning district.</u>

c) <u>Specific uses requiring a special use permit are identified in the permitted uses sections in Article 4 for each grouping of zoning districts.</u>

d) <u>When an application is submitted for a rezoning to a broader classification, a special use permit may be granted in lieu of granting a rezoning to the broader classification when the applicant has plans of sufficient detail showing the full extent of the proposed use of the buildings, structures, and premises and including provisions for sufficient off-street parking facilities, screening walls or fences, landscaping, and open space so as to create a transition between a lesser, more restricted district and the proposed district.</u>

~~When application is made for a change in zoning from an existing zoning classification to a less restrictive classification and the application is denied or when application is made for a special permit, a special permit may be granted if the applicant submits plans with specifications in sufficient detail to the planning and zoning commission to include the following:~~

~~(1) Proposed use of the property and all improvements thereon;~~

~~(2) New construction proposed;~~

~~(3) Off-street parking;~~

~~(4) Screening walls and fences;~~

~~(5) Landscaping;~~

~~(6) Open space;~~

~~(7) Public street ingress and egress; and~~

~~(8) Sidewalk, alleys, driveways, and streets.~~

Sec. 78-67. Recommendation for issuance by planning and zoning commission—Conditions.

The process for review and issuance of a special use permit shall be the same as for a change in zoning.

The planning and zoning commission, by majority vote, may recommend to the city council that a special permit be granted, if, after the hearing and after consideration of the plans and the recommendation of the ~~city engineer~~ *Administrative Officer* and other evidence presented at the hearing, the planning and zoning commission finds the following:

(1) Property use will not adversely affect the surrounding property or the health, safety and general welfare of the public.

(2) Sufficient off-street parking will be provided to accommodate the use of the property.

(3) Screening walls or fences will be provided as reasonable or necessary to visually shield the less restrictive from more restrictive neighboring uses.

(4) Landscaping will be provided, as reasonable or necessary, to cause the property to be more attractive to better blend in with, and to be less visually objectionable to surrounding, more restrictively zoned properties.

(5) Sufficient open space will be provided to create a buffer or transition area between the less and the more restrictive zones.

(6) Sufficient and safe public street ingress and egress will be provided.

(7) Sufficient drainage will be provided for surface water and stormwater runoff and drainage.

(8) Such other safeguards as are reasonable or necessary in order to protect surrounding property, persons and neighborhood values will be provided, which safeguards shall be particularly described.

Sec. 78-68. Same—Site plan; other documents.

The planning and zoning commission recommendation to the city council shall be accompanied by a site plan and such other documents as shall be reasonable or necessary to ensure that all requirements determined by the planning and zoning commission to be reasonable or necessary are met and to ensure that the findings of the planning and zoning commission are complied with.

Sec. 78-69. Council to grant or deny special permit.

(a) After receiving the planning and zoning commission recommendation, the city council may, after public hearing as provided for zoning changes, grant or deny a special use permit. A special use permit may be granted only if the city council makes the same findings as are required of the planning and zoning commission to be made under section 78-67.

(b) Every special use permit granted by the city council shall be considered as an amendment to this chapter as applicable to such property. In granting a permit the city council may grant the permit for such limited period of time as the city council may decide and may impose conditions which shall be complied with by the grantee before a certificate of occupancy may be issued ~~by the building inspector~~ for such use of the building and improvements. Such conditions shall be conditions precedent to the granting of a certificate of occupancy. Any such special use permit shall be deemed to have expired within one year of the date of granting of the same, unless the premises are actually being used under the permit, provided that additional time may be granted on motion by the city council or provided in the permit at the time of the granting of the permit. Whenever the use for which the permit is granted is, for any reason, terminated, the permit shall be deemed to have expired.

Sec. 78-70. Insufficient vote for special use permit.

(a) Whenever any motion or vote on a proposed special use permit has failed to receive a sufficient affirmative vote to be effective, unless some other action is taken by the city council at the meeting of the city council which has a sufficient affirmative vote to be effective, the proposed grant of a special use permit shall be deemed denied.

(b) A special use permit shall not be issued to allow the placement of portable signs where prohibited by this chapter.

Sec. 78-71. Reserved.

Secs. 78-72—78-~~90~~89. Reserved.

ARTICLE III. NONCONFORMING USES AND BUILDINGS

Sec. 78-91~~1~~0. Continuance of existing uses.

The lawful use of a building existing at the time of the adoption of the ordinance from which this chapter was derived may be continued even though such use does not conform with the provisions of the ordinance from which this chapter was derived. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification. The foregoing provisions shall also apply to nonconforming uses in districts as may be hereafter changed. Whenever a nonconforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

Sec. 78-91. Nonconventional housing. ~~Building official~~ Administrative Officer

The council has adopted the nonconventional housing area map. Manufactured homes and manufactured home parks, travel trailer parks, recreational vehicle parks, and HUD-Code manufactured home subdivisions are allowed in those areas and zoning districts designated on the nonconventional housing area map, provided such uses and structures comply with the provisions of chapter 78, division 13 and such other provisions of this Code as are applicable to such uses and structures. A change to the nonconventional housing area map or with respect to the areas where any of such structures or uses are allowed within any zoning district may be effected only pursuant to the same procedures as are required for the effectuation of other changes of zoning of property and pursuant to a process whereby a nonconventional housing permit is granted as part of the change of zoning process, which nonconventional housing permit shall designate the particular uses to which the property may be put, impose such conditions as are required under chapter 78, division 13, and such other conditions as may be appropriate. Notwithstanding the above, as to nonconventional housing located within an area identified on the nonconventional housing map as an area in which nonconventional housing is allowed, the building official shall have discretion to allow or deny requested changes to the location and number of spaces for manufactured homes, recreational vehicles, and travel trailers within such area, and in the event of denial by the building official the applicant may, as an alternative, utilize the zoning procedures noted above.

Sec. 78-92. Structurally damaged building.

No building which has been structurally damaged more than 50 percent of fair market value as determined by the San Patricio County Appraisal District by fire, explosion, act of God, or the public enemy shall be restored except in conformity with the regulations of this chapter, and in accordance with Texas Local Government Code Sections 211.006 and 211.019.

Sec. 78-93. Discontinuance of use.

If the nonconforming use of any building or premises is discontinued or its normal operation stopped for a period of one year, the use of the same shall thereafter conform to the regulations of the district in which it is located except to the extent authorized by Texas Local Government Code Section 211.019.

Sec. 78-94. Extension of use.

A nonconforming use occupying only a portion of a building may be extended throughout the building if the same has been lawfully acquired and actually devoted to such use previous to the adoption of the ordinance from which this chapter was derived or to any affecting amendment of this article.

Sec. 78-95. Buildings transferred to more restrictive districts.

If by amendment to this chapter on any property hereafter transferred to a more restricted district by a change in the district boundaries, or the regulations and restrictions in any district are made more restrictive or of a higher classification, the provisions of this chapter relating to the nonconforming use of buildings or premises occupied or used upon the effective date of such amendment shall apply. Repairs and alterations may be made to a nonconforming building, provided that no structural alterations or extensions shall be made except those required by law or ordinance, unless the building is changed to a conforming use.

Secs. 78-96—78-115. Reserved.

ARTICLE IV. DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Sec. 78-116. Establishment of districts and boundaries.

(a) For the purposes of this chapter, the city is hereby divided into the following districts:

AG	agricultural district
R-1F	single family residential district (Farm Zone)
R-1R	single family residential district (Ranch Zone)
R-1E	single family residential district (Estate Zone)
R-1	single-family residential district
R-2	two-family residential district
R-3	three- and four-family residential district
M	multiple-family district
P	professional office district
C-1	local commercial district
C-2	general commercial district
L-I	light industrial district
I	industrial district
IP	industrial park
T1-A	travel trailer/recreational vehicle park district
T1-B	HUD-Code manufactured home park district
T1-C	HUD-Code manufactured home subdivision district

(b) The location and boundaries of the districts established in this section are shown upon the official zoning map, which is hereby incorporated into this chapter. The zoning map, together with all notations, references and other information shown thereon and all amendments thereto, shall be as much a part of this chapter as if fully set forth and described in this section. The zoning map, properly attested, is on file in the office of the city secretary.

Sec. 78-117. Rules for the interpretation of district boundaries.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map accompanying and made a part of this chapter, the following rules apply:

(1) The district boundaries are either streets or alleys, unless otherwise shown, and where the district designated on the map accompanying and made part of this chapter is bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.

(2) Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be

construed to be the lot lines, and where the districts designated on the map accompanying and made part of this chapter are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.

(3) In any unsubdivided property the district boundary lines on the zoning map accompanying and made part of this chapter shall be determined by use of the scale appearing on the map.

(4) In case of a district boundary line dividing a property into two parts, the district boundary line shall be construed to be the property line nearest the district line as shown.

(5) Where the streets or alleys on the ground differ from the streets or alleys as shown on the zoning map, the streets or alleys on the ground shall control.

Sec. 78-118. Compliance with article.

(a) No land shall be used except for a purpose permitted in the district in which it is located.

(b) No building shall be erected or structurally altered, nor shall any building or premises be used for any purpose other than permitted in the district in which such building or premises is located. No lot area shall be reduced or diminished so the yards shall be smaller than prescribed by this chapter, nor shall the lot area per family be reduced in any manner except in conformity with the regulations hereby established for the district in which such building is located.

Sec. 78-119. Newly annexed areas.

All territory annexed to the city shall be temporarily classified as ~~R-1 single family residential~~ AG agricultural district, until permanently zoned by the city council. The planning and zoning commission shall, as soon as practicable after annexation of any territory, recommend to the city council a plan for permanent zoning in the area. The procedure to be followed for adoption shall be the same as is provided by law for the adoption of original zoning regulations.

Sec. 78-120. Official zoning map.

(a) The official zoning map of the city shall be kept in the office of the city secretary, and one copy shall be maintained in the office of the administrative officer.

(b) It shall be the duty of the person designated by the city manager as administrative officer to keep the official map current and the copies provided for in this section, by entering on such map any change which the city council may from time-to-time order by amendments to this chapter and the map.

(c) The city secretary, upon the adoption of this chapter, shall affix a certificate identifying the map in his office as the official zoning map of the city. He shall likewise officially identify the copies directed to be kept by the planning and zoning commission and in the office of the administrative officer.

Secs. 78-121 Height and area regulations.

Unless otherwise specified in a particular section, height and area regulations in the various district are enumerated in division 2, article V of this chapter.

Sec. 78-122. Parking regulations.

Unless otherwise specified in a particular section, parking regulations in the various district are enumerated in division 3, article V of this chapter.

Sec. 78-123. Sign regulations.

Unless otherwise specified in a particular section, sign regulations in the various district are enumerated in division 4, article V of this chapter.

Secs. 78-1241—78-130. Reserved.

DIVISION 2. AG AGRICULTURAL DISTRICT

Sec. 78-131. Permitted uses.

A building or premises in the AG agricultural district shall be used only for the following purposes:

(1) Single-family dwellings.

(2) Farm, ranch, garden, or orchards.

(3) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.

(4) Institutions of an educational, religious, eleemosynary, philanthropic, or similar nature, but not penal or mental institutions.

(5) Public buildings, including libraries, museums, police, and fire stations.

(6) Parks, playgrounds, and community centers; private nonprofit recreation areas, institutional or recreational centers; public and private forest and wildlife preserves; and similar conservation areas.

(7) Substations along an electric transmission line.

(8) Home occupations.

(9) Group Home (6 or fewer residents)

(10) Industrialized housing provided the structure have a "value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet" of where the industrialized housing is proposed to be located and have "exterior siding, roofing, roof pitch, foundation fascia, and fenestration" that is compatible with single-family homes located within 500 feet of the lot and that the structure be securely fixed to a permanent foundation.

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(11) Accessory building and uses, customarily incidental to the uses in this section, and located on the same lot therewith.

~~(10) Manufactured homes and manufactured home parks, travel trailer parks, recreational vehicle parks, and HUD-Code manufactured home subdivisions in those areas designated on the nonconventional housing area map, formerly known as mobile home area map, provided such uses and structures comply with all conditions applicable thereto.~~

~~Sec. 78-132. Height and area regulations.~~

~~For height and area regulations in the AG agricultural district see division 2, article V of this chapter.~~

~~Sec. 78-133. Parking regulations.~~

~~For parking regulations in the AG agricultural district see division 3, article V of this chapter.~~

~~Sec. 78-134. Sign regulations.~~

~~For sign regulations see section 78-400 et seq.~~

~~Sec. 78-135 – 78-145. – Reserved.~~

DIVISION 3. R-1F FARM RESIDENTIAL DISTRICT

Sec. 78-132. Permitted uses.

A building or premises in the R-1F Farm Residential district shall be used only for the following purposes:

(1) Any use allowed in the AG Agricultural District.

DIVISION 4. R-1R RANCH RESIDENTIAL DISTRICT

Sec. 78-133. Permitted uses.

A building or premises in the R-1R Farm Residential district shall be used only for the following purposes:

(1) Any use allowed in the AG Agricultural District.

DIVISION 5. R-1E ESTATE RESIDENTIAL DISTRICT

Sec. 78-134. Permitted uses.

A building or premises in the R-1E Farm Residential district shall be used only for the following purposes:

(1) Any use allowed in the AG Agricultural District.

DIVISION 3~~6~~. R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

Sec. 78-135. Permitted uses.

A building or premises in the R-1 single-family residential district shall be used only for the following purposes:

(1) ~~Single-family dwellings~~ Any use allowed in the AG Agricultural District except farm, ranch, or orchard uses.

(2) ~~Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusements.~~

~~(3) Institutions of an educational, religious, or similar nature, but not penal or mental institutions, and registered family home facilities.~~

~~(4) Public buildings, including libraries, museums, police and fire stations.~~

~~(5) Parks, playgrounds and community centers; private nonprofit recreation areas, institutional or recreational centers; public and private forest and wildlife preserves; and similar conservation areas.~~

~~(6) Water supply reservoirs, pumping plants and towers.~~

~~(7) Substations along an electric transmission line.~~

~~(8) Home occupations.~~

~~(9) Accessory building and uses, customarily incidental to the uses in this section, and located on the same lot therewith.~~

~~(10) Manufactured homes and manufactured home parks, travel trailer parks, recreational vehicle parks, and HUD-Code manufactured home subdivisions in those areas designated on the nonconventional housing area map, formerly known as mobile home area map, provided such uses and structures comply with all conditions applicable thereto.~~

~~Sec. 78-147. Height and area regulations.~~

~~Height and area regulations for a R-1 single-family residential district are found in division 2, article V of this chapter.~~

~~Sec. 78-148. Parking regulations.~~

~~Parking regulations in an R-1 single-family residential district are found in division 3, article V of this chapter.~~

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~~Sec. 78-149. Sign regulations.~~

~~For sign regulations see section 78-400 et seq.~~

~~Sec. 78-150. Additional classifications.~~

~~The following zoning sub-districts are established within the R-1 district. R-1 rules and regulations and chapter 54 subdivision and platting rules apply except to the extent expressly otherwise provided with respect to a given sub-district.~~

~~*R1-E (Estate Zone).* A subdivision with minimum 12,000 square foot lots each of which has a minimum of 100 feet frontage on a public road. Sidewalks are not required.~~

~~*R-1R (Ranch Zone).* A subdivision with minimum one acre lots each of which has a minimum of 100 feet frontage on a public road. Neither curb, nor gutter, nor sidewalks are required.~~

~~*R-1F (Farm Zone).* A subdivision with minimum 2½ acre lots each of which has a minimum of 100 feet frontage on a public road. An all weather surface private driveway is required. Neither curb, nor gutter, nor sidewalks are required. Frontage on an all weather surface public road is required, but a paved public road is not required.~~

Secs. 78-136—78-160. Reserved.

DIVISION 7. R-2 TWO-FAMILY RESIDENTIAL DISTRICT

Sec. 78-161. Permitted uses.

A building or premises in an R-2 two-family residential district shall be used only for the following purposes:

(1) Any use permitted in an R-1 single-family residential district.

(2) Two-family dwellings.

(3) Office of a resident physician, dentist, attorney-at-law, or similar professional persons when located within and a part of his dwelling, limited, however, to one employee outside the immediate family.

~~(4) Manufactured homes and manufactured home parks, travel trailer parks, recreational vehicle parks, and HUD-Code manufactured home subdivisions in those areas designated on the nonconventional housing area map, formerly known as mobile home area map, provided such uses and structures comply with all conditions applicable thereto.~~

~~Sec. 78-162. Height and area regulations.~~

~~Height and area regulations for an R-2 two-family residential district are found in division 2, article V of this chapter.~~

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~~**Sec. 78-163. Parking regulations.**~~

~~Parking regulations for an R-2 two-family residential district are found in division 3, article V of this chapter.~~

~~**Sec. 78-164. Sign regulations.**~~

~~For sign regulations see section 78-400 et seq.~~

Secs. 78-162—78-175. Reserved.

DIVISION 5~~8~~. R-3 THREE- AND FOUR-FAMILY RESIDENTIAL DISTRICT

Sec. 78-176. Permitted uses.

A building or premises in the R-3 three- and four-family residential district shall be used only for the following purposes:

(1) Any use permitted in the R-2 two-family residential district.

(2) Three-family dwellings.

(3) Four-family dwellings.

~~(4) Manufactured homes and manufactured home parks, travel trailer parks, recreational vehicle parks, and HUD-Code manufactured home subdivisions in those areas designated on the nonconventional housing area map, formerly known as mobile home area map, provided such uses and structures comply with all conditions applicable thereto.~~

~~**Sec. 78-177. Height and area regulations.**~~

~~Height and area regulations for an R-3 three- and four-family residential district can be found in division 2, article V of this chapter.~~

~~**Sec. 78-178. Parking regulations.**~~

~~Parking regulations for an R-3 three- and four-family residential district can be found in division 3, article V of this chapter.~~

~~**Sec. 78-179. Sign regulations.**~~

~~For sign regulations see section 78-400 et seq.~~

Secs. 78-177—78-190. Reserved.

DIVISION 6~~9~~. M MULTIPLE-FAMILY DISTRICT

Sec. 78-191. Permitted uses.

A building or premises in the M multiple-family district shall be used only for the following purposes:

(1) Any use permitted in the R-3 three- and four-family residential district.

(2) Multifamily dwellings.

(3) Boardinghouses, ~~lodginghouses~~ lodging houses and group day care facilities.

(4) Hospitals, clinics, sanitariums, except a criminal, mental or animal hospital.

(5) Nursing and convalescent homes.

(6) Townhouses.

~~**Sec. 78-192. Height and area regulations.**~~

~~Height and area regulations for an M multiple-family residential district can be found in division 2, article V of this chapter.~~

~~**Sec. 78-193. Parking and loading regulations.**~~

~~Parking and loading regulations for an M multiple-family residential district can be found in division 3, article V of this chapter.~~

~~**Sec. 78-194. Sign regulations.**~~

~~For sign regulations see section 78-400 et seq.~~

Secs. 78-192—78-205. Reserved.

DIVISION ~~7~~10. P PROFESSIONAL OFFICE DISTRICT

Sec. 78-206. Permitted uses.

A building or premises in the P professional office district shall be used only for the following purposes:

(1) Professional offices and office buildings.

(2) Clinics or hospitals including a pharmacist's shop for dispensing of drugs and medical supplies primarily to patients or occupants of the building; provided, however, that there is no outside entrance to such shop.

(3) Adult day care facilities, day care centers and registered adult personal care facilities.

(4) Accessory building and uses, customarily incidental to the uses listed in this section and located on the same lot therewith.

(5) Any use permitted in the R-3 three- and four-family residential district.

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~~(6) Manufactured homes and manufactured home parks, travel trailer parks, recreational vehicle parks, and HUD-Code manufactured home subdivisions in those areas designated on the nonconventional housing area map, formerly known as mobile home area map, provided such uses and structures comply with all conditions applicable thereto.~~

~~(7)~~(6) Reserved.

~~Sec. 78-207. Height and area regulations.~~

~~Height and area regulations for a P professional office district can be found in division 2, article V of this chapter.~~

~~Sec. 78-208. Parking and loading regulations.~~

~~Parking and loading regulations for a P professional office district can be found in division 3, article V of this chapter.~~

~~Sec. 78-209. Sign regulations.~~

~~For sign regulations see section 78-400 et seq.~~

Secs. 78-207—78-220. Reserved.

DIVISION ~~8~~11. C-1 LOCAL COMMERCIAL DISTRICT

Sec. 78-221. Permitted uses.

A building or premises in the C-1 local commercial district shall be used only for the following purposes:

(1) Any use permitted in the P professional office district.

(2) Personal service uses include barbershops, beauty parlors, photographic or artist studios, dry cleaning receiving stations, and other personal service uses of similar character.

(3) Retail store and other local business uses supplying the everyday shopping needs of the immediate neighborhood and subject to the following conditions:

a. It is conducted wholly within an enclosed building occupying no more than 2,500 square feet of floor area.

b. Required yards are not used for display, sale or storage of merchandise, or for the storage of vehicles, equipment, containers or waste material

(4) Gasoline service stations, provided that the activities permitted do not include major automobile repairs, the storage or dismantling of old or wrecked motor vehicles, the sale of used automobile parts, except used tires, or the sale of new or used motor vehicles.

(5) Laundries, self-service.

(6) Studio for an artist, photographer, sculptor, or musician including the teaching of art, music, dancing, or other artistic instruction.

(7) Reserved.

(8) Accessory buildings and uses customarily incidental to any of the uses listed in this section, provided that such be not objectional because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisance.

~~(9) Manufactured homes and manufactured home parks, travel trailer parks, recreational vehicle parks, and HUD-Code manufactured home subdivisions in those areas designated on the nonconventional housing area map, formerly known as mobile home area map, provided such uses and structures comply with all conditions applicable thereto~~.

~~**Sec. 78-222. Height and area regulations.**~~

~~Height and area regulations for a C-1 local commercial district can be found in division 2, article V of this chapter.~~

~~**Sec. 78-223. Parking and loading regulations.**~~

~~Parking and loading regulations for a C-1 local commercial district can be found in division 3, article V of this chapter.~~

~~**Sec. 78-224. Sign regulations.**~~

~~For sign regulations see section 78-400 et seq.~~

Secs. 78-222—78-235. Reserved.

DIVISION 9<u>12</u>. C-2 GENERAL COMMERCIAL DISTRICT

Sec. 78-236. Permitted uses.

A building or premises in the C-2 general commercial district shall be used only for the following purposes:

(1) Any use permitted in the P professional office district and the C-1 local commercial district.

(2) Stores and shops where goods are sold, and services are rendered primarily at retail.

(3) Hotels, motels, and ~~lodginghouses~~ <u>lodging houses.</u>

(4) Automobile, mobile home or farm implement display and sales, tire and seat cover shops, and car washes.

(5) Off-street parking lots for the parking of automobiles.

(6) Public buildings, theaters (except drive-in theaters), assembly halls, and restaurants, including drive-ins.

(7) Gasoline service stations.

(8) Banks or savings and loans.

(9) Printing, engraving and newspaper plants.

(10) Shoe and small electrical appliance repair shops or similar trades.

(11) Tin smithing, carpentry, painting, or plumbing shops.

(12) Wholesale merchandising, provided it is incidental and subordinate to primary retail business.

(13) Bowling alleys, miniature golf courses, driving ranges, or other similar places of entertainment or amusement, provided such use is located no less than 100 feet from any R or M district.

(14) Automotive repair shops.

(15) Storage, provided it is limited to a supply of those articles which are to be used, displayed, or sold on the premises.

(16) Storage facilities for vehicles and personal property.

(17) Accessory building and uses customarily incidental to any of the uses listed in this section.

~~(18) Manufactured homes and manufactured home parks, travel trailer parks, recreational vehicle parks, and HUD-Code manufactured home subdivisions in those areas designated on the nonconventional housing area map, formerly known as mobile home area map, provided such uses and structures comply with all conditions applicable thereto.~~

~~(19)~~(18) Taxicab service businesses.

~~Sec. 78-237. Height and area regulations.~~

~~Height and area regulations for a C-2 general commercial district can be found in division 2, article V of this chapter.~~

~~Sec. 78-238. Parking and loading regulations.~~

~~Parking and loading regulations for a C-2 general commercial district can be found in division 3, article V of this chapter.~~

~~Sec. 78-239. Sign regulations.~~

~~For sign regulations see section 78-400 et seq.~~

Secs. 78-237—78-250. Reserved.

DIVISION ~~10~~13. L-1 LIGHT INDUSTRIAL DISTRICT

Sec. 78-251. Permitted uses.

A building or premises in the L-1 light industrial district shall be used only for the following purposes:

(1) Any use permitted in the C-2 general commercial district, except residential uses.

(2) Amusement or baseball parks.

(3) Assaying, other than gold or silver.

(4) Automobile laundry and steam cleaning.

(5) Bakery, wholesale.

(6) Blacksmithing, horseshoeing, or wagon shops.

(7) Body and fender work for automobiles and house trailers.

(8) Bottling work, soft drinks.

(9) Candy, canning, or preserving factories.

(10) Carnivals.

(11) Carpet and rug cleaning.

(12) Carpenter shop.

(13) Cereal mills.

(14) Cleaning, drying, pressing works, laundry, washateria.

(15) Cold storage plants.

(16) Contractors or storage yards.

(17) Creameries.

(18) Veterinary hospitals and kennels.

(19) Furniture repair.

(20) Ice plants or storage houses.

(21) Machine shop provided power not to exceed 50 horsepower is employed in the operation of any one machine in an enclosed building.

(22) Manufacture of products for aluminum, brass, bronze, copper, steel, tin, or other metals and from bone, leather, paper, rubber, shell, wire, or wood of any kind other than those provided under industrial zoning, providing power not to exceed 50 horsepower is employed in the operation of any one machine in an enclosed building.

(23) Manufacture of artificial flowers, ornaments, awnings, tents and bags, blacking, cleaning or polishing preparations, boats (small), 28 feet or less in length; brooms or brushes, buttons and novelties, canvas products, clothing, suits, coats or dresses for wholesale trade, food products, syrups, fruit juices, extracts, drugs or medicine except products classified under industrial zoning, furniture, gas, or electric fixtures, ice cream, mattresses or their renovation, peanut and pecan products, potato chips, radio and

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television sets, signs, including electric, provided power not in excess of 50 horsepower is employed in the operation of any one machine enclosed in a building.

(24) Meat processing, no slaughtering.

(25) Milk bottling or central distribution stations.

(26) Monument or marble works, finishing and carving only.

(27) Paint shop, spray painting or paint mixing, in an enclosed building.

(28) Pattern shop.

(29) Plumbing shops.

(30) Stables, public or riding.

(31) Storage in warehouse for commodities and materials, provided that they comply with fire ordinances.

(32) Terminals, freight, rail, or water; tracks, trains, spurs, loading or storage, excluding freight yards; terminal, motor freight, on approval of the building inspector after a recommendation by the city engineer and provided that such motor freight terminals shall meet the following requirements, but excluding freight yards:

a. A traffic flow plan approved by the ~~city engineer~~ Administrative Officer, based on an accurate plot plan drawn to scale. The applicant shall prepare and submit the plot to the city engineer.

b. Loading, parking, and maneuvering space shall be entirely on private property.

(33) Welding shops, custom work, not including structural welding.

(34) Wholesale produce market.

(35) Any similar uses which are not noxious or offensive because of odors, smoke, dust, noise, fumes, or vibrations.

(36) Accessory building and uses customarily incidental to those listed in this section.

(37) Reserved.

~~(38) Manufactured homes and manufactured home parks, travel trailer parks, recreational vehicle parks, and HUD-Code manufactured home subdivisions in those areas designated on the nonconventional housing area map, formerly known as mobile home area map, provided such uses and structures comply with all conditions applicable thereto.~~

~~(39)~~(38) Excepted from the above express listing of allowable uses is any use expressly listed in the Industrial District Use Regulations of this chapter.

Sec. 78-252. Height and area regulations.

~~The height and area regulations of a L-1 light industrial district can be found in division 2, article V of this chapter and includes the following:~~

(1) No part of any building or accessory structures shall be located closer than 100 feet to any residential boundary or within 35 feet of any street line.

(2) The aggregate area covered by a building shall not exceed 50 percent of the entire area of the lot.

Sec. 78-253. Parking and loading regulations.

Parking and loading regulations for a L-1 light industrial district can be found in division 3, article V of this chapter and includes the following: Employee parking spaces shall be provided on the ratio of at least one for each 300 square feet of floor area in each building used for offices or similar purposes, and in the ratio of at least one space for each 500 square feet of floor area in each building used for manufacturing or similar purposes or one space for each two employees, whichever is greater.

~~**Sec. 78-254. Sign regulations.**~~

~~For sign regulations see section 78-400 et seq.~~

Secs. 78-254—78-265. Reserved.

DIVISION ~~11~~14. I INDUSTRIAL DISTRICT

Sec. 78-266. Permitted uses.

The I industrial district provides for industrial operations of all types, except that certain potentially hazardous industries are permitted only after public hearing and review to ensure protection of the public interest and surrounding property and persons. A building or premises shall be used only for the following purposes:

(1) Any use permitted in the L-1 light industrial district, except residential uses.

(2) Dwellings or mobile homes for resident watchmen and caretakers employed on the premises.

(3) Reserved.

(4) The following listed uses (and any similar industrial uses which are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences than the amount normally resulting from the uses listed in this subsection) including the manufacture, compounding, processing, packaging, or treatment of the following products or similar products, but excluding any use described under section 78-267:

a. Chemicals, petroleum, coal, and allied products, as follows:

Adhesives.

Alcohol, industrial.

Bleaching products.

Bluing.

Calcimine.

Candle.

Cleaning and polishing preparations (non-soap), dressings, and blackings.

Dyestuff.

Essential oils.

Fertilizer (nonorganic).

Fuel briquettes.

Glue and size (vegetable).

Ink manufacture from primary raw materials, including colors and pigments.

Soap and soap products.

b. Clay, stone, and glass products, as follows:

Abrasive and wheels, stones, paper, cloth, and related products.

Brick, fire brick and clay products.

Concrete central mixing and proportioning plant.

Glass and glass products.

Graphite and graphite products.

Monument and architectural stone.

Pottery and porcelain products (coal fired).

Refractories (other than coal fired).

Sand-lime products.

Stone products.

Wallboard and plaster, building, insulation, and composition flooring.

c. Foods and beverages, as follows:

Casein.

Cider and vinegar.

Distilleries (alcoholic), breweries, and alcoholic spirits (nonindustrial) are limited to brew pubs which manufacture beer on premises for retail sale and consumption on premises only.

Flour, feed, and grain milling storage limited to end user manufacturer and retail/wholesale sales.

Molasses.

Oils, shortenings, and fats (edible) and storage.

Pickles, vegetable relish, and sauces.

Rice cleaning and polishing.

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Sauerkraut.

Sugar refining.

d. Metal and metal products, as follows:

Boiler manufacture, other than welded.

Brass and bronze foundries.

Forge plant, pneumatic, drop and forging hammering.

Plating (hot dip), except chrome plating.

Locomotive and railroad car building and repair.

Motor testing (internal combustion motors).

Ore dumps and elevators.

Structural iron and steel fabrication.

Wire rope and cable.

e. Textile, fibers, and bedding, as follows:

Bleachery.

Cotton wadding and linter.

Hair and felt products, washing, curing, dyeing.

Jute, hemp, and sisal products.

Linoleum and other hard surface floor covering, except wood.

Nylon.

Oilcloth, oil treated products and artificial leather.

Rayon.

Shoddy.

Wool pulling or scouring.

f. Wood and paper products, as follows:

Excelsior.

Paper and paperboard (from paper machines only).

Sawmill, including cooperage stock mill.

Wallboard.

g. Unclassified industries, as follows:

Rubber, natural or synthetic, gutta-percha, chicle, and balata process.

Rubber tire and tube.

Shell grinding.

h. Unclassified uses, as follows:

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Airports and landing fields.

Bag cleaning.

Boat manufacture.

Coal pocket.

Oil, vegetable, and animal (nonedible) and storage.

Paint, lacquer, shellac, and varnish, including colors and pigments, thinners, and removers.

Railroad switching and classification yard, roundhouse, repair, and overhaul shops.

Roofing materials, building paper, and felt, including asphalt and composition.

Salt tanning materials and allied products.

Shipyard, and accessory buildings and uses which may include temporary dwellings for the crews of ships which are in the yard for repairs which render the ship uninhabitable, provided that the members of said crews shall live in the buildings only while repair work is in progress and for the period of time repair work renders the ship uninhabitable by said crews.

Tar products, except distillation.

(5) Accessory buildings and uses customarily incidental to those in this section.

Sec. 78-267. ~~Objectionable~~ Intensive uses.

For uses not enumerated in the Industrial District section, a Special Use Permit shall be required in addition to the Industrial District Zoning. The application shall be submitted to the Administrative Officer a minimum of 20 days prior submission to the City Council ~~Planning and Zoning Commission~~ and shall include the items listed in Division 4 of this chapter as well as

a) the applicant's name, mailing address and telephone numbers.
b) the names, mailing addresses and telephone numbers of the owners of the property which is the subject of the application.
c) the legal description of the property which is the subject of the application.
d) a description of the proposed uses, approval of which is sought; a description of hazards, such as fire, explosion, noise, vibration, dust, or the emission of smoke, odor, or toxic substances, accompanying the proposed use;
e) a description of all safeguards proposed to protect the surrounding property and persons from hazards accompanying the proposed use.
f) a site plan showing the location of all improvements, landscaping, yard areas, sight and/or noise barriers, existing and planned, on the subject property.

The city council shall not permit such buildings, structures, or uses unless they find that the public health, safety, morals, and general welfare of the city will be properly protected, and that necessary safeguards will be provided for the protection of surrounding property and persons from hazards, such as fire, explosion, noise, vibration, dust, or the emission of smoke, odor, or toxic substances, accompanying the proposed use. The city council may, as part of its decision, impose

such conditions and safeguards as are reasonable or necessary in its opinion to protect surrounding property and persons from such hazards, including, by way of illustration and not limitation, the creation of transitional zoning district areas between the subject property and the surrounding properties, setback and yard area requirements exceeding the minimum requirements otherwise applicable, structure height restrictions more restrictive than the requirements otherwise applicable, noise, sound and sight barriers and landscape treatments.

~~The following uses, or manufacture, compounding, processing, packaging or treatment of the following products, having accompanying hazards, such as fire, explosion, noise, vibration, dust, or the emission of smoke, odor, or toxic substances may, if not in conflict with any law or ordinance in the city, be located in the I industrial district only after the location and nature of such use shall have been approved by the city council after public hearing and compliance with the procedures set forth in this section. An application shall be filed, for the benefit of the city council, no less than 20 days before the public hearing. The application shall include the following information: the applicant's name, mailing address and telephone numbers; the names, mailing addresses and telephone numbers of the owners of the property which is the subject of the application; the legal description of the property which is the subject of the application; a description of the proposed uses, approval of which is sought; a description of hazards, such as fire, explosion, noise, vibration, dust, or the emission of smoke, odor, or toxic substances, accompanying the proposed use; a description of all safeguards proposed to protect the surrounding property and persons from hazards accompanying the proposed use; and a site plan showing the location of all improvements, landscaping, yard areas, sight and/or noise barriers, existing and planned, on the subject property. The city council may waive the inclusion in the application of any item of information which it deems irrelevant or unnecessary to its deliberations or decision in a given case and may require the furnishing, at any time, of other or additional information which it deems relevant or helpful to its deliberations or decision in a given case. Notice of the public hearing shall be published one time in the official newspaper of the city or in another newspaper in general circulation in the city no less than 15 days before the public hearing. Written notice of the public hearing shall be mailed to the applicant, to the owners of the property which is the subject of the application and to the owners of properties located within 200 feet of the property which is the subject of the application no less than 15 days before the hearing. Written notice is deemed given on the date of deposit into an official depository of the United States Postal Service, properly addressed to the last known mailing address of the addressee. Written notice to owners shall be sufficient if given to the owners, as reflected by the current tax roll of the city, or to the true owners. After the public hearing, at a public meeting, the city council may consider the matter for action. The city council may approve or deny the application or make any other decision it deems appropriate. The city council shall not permit such buildings, structures, or uses unless they find that the public health, safety, morals, and general welfare will be properly protected, and that necessary safeguards will be provided for the protection of surrounding property and persons from hazards, such as fire, explosion, noise, vibration, dust, or the emission of smoke, odor, or toxic substances, accompanying the proposed use. The city council may, as part of its decision, impose such conditions and safeguards as are reasonable or necessary in its opinion to protect surrounding property and persons from such hazards, including, by way of illustration and not limitation, the creation of transitional zoning district areas between the subject property and the surrounding properties, setback and yard area requirements exceeding the minimum requirements otherwise applicable, structure height restrictions more restrictive than the requirements otherwise applicable, noise, sound and sight barriers and landscape treatments.~~

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(1) Chemical, petroleum, coal, and allied products, as follows:

Acetylene, generation and storage.

Acids and derivatives.

Ammonia.

Caustic soda.

Cellulose and cellulose storage.

Chlorine.

Coke oven products, including fuel gas, and coke oven products storage.

Creosote.

Distillation, manufacture, or refining of coal, tar asphalt, wood, and bones.

Explosives, including ammunition and fireworks, and explosives storage.

Exterminating agents and poisons.

Fertilizer (organic).

Fish oils and meal.

Glue, gelatin (animal).

Hydrogen and oxygen.

Lamp black, carbon black, and bone black.

Lead oxide.

Nitrates manufactured and natural, of an explosive nature, and storage.

Nitrating cotton or other materials.

Petroleum, gasoline, lubricating oil refining, and wholesale storage.

Plastic materials and synthetic resins.

Potash.

Pyroxylin.

Rendering and storage of dead animals, offal, garbage, or waste products.

Turpentine and resin.

(2) Clay, stone, and glass products, as follows:

Asbestos products.

Brick, firebrick, refractories, and clay products (coal fired).

Cement, lime, gypsum, or plaster of Paris.

Minerals and earths; quarrying, extracting, grinding, crushing, and processing.

(3) Foods and beverages, as follows:

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~~Distilleries (alcoholic), breweries, and alcoholic spirits (nonindustrial), except for brew pubs.~~

~~Fat rendering.~~

~~Fish curing.~~

~~Flour, feed and grain milling storage, except end user manufacturers and retail/wholesale sales.~~

~~Slaughtering of animals.~~

~~Starch manufacture.~~

~~(4) Metals and metal products, as follows:~~

~~Aluminum powder and paint manufacture.~~

~~Blast furnace, cupolas.~~

~~Blooming mill.~~

~~Galvanizing and chrome plating.~~

~~Foundries.~~

~~Lead oxide.~~

~~Metal and metal ores, reduction, refining, smelting, and alloying.~~

~~Scrap metal reduction.~~

~~Steel works and rolling mill (ferrous).~~

~~(5) Wood and paper products, as follows:~~

~~Charcoal and pulverizing.~~

~~Match manufacture.~~

~~Wood preserving treatment.~~

~~Wood pulp and fiber, reduction and processing.~~

~~(6) Unclassified industries and uses, as follows: Automobile wrecking, cars, and parts, storage and sale, provided the following requirements are met: The area must be sufficiently well screened so as to block from public view the wrecked cars and parts, either stored or to be stored thereon; there must be no advertising by the public display of wrecked cars or parts; and the occupant of such area must comply with all laws, ordinances and regulations having to do with health, welfare and safety. The screening requirement must be met by the location and maintenance of a fence, shrubbery or any reasonable substitute. However, where any part of such area is already adequately blocked from the view of the general public as a result of the surrounding terrain, neighboring industrial use or uses or any other condition, no additional screening shall be required for such part so long as such condition shall continue to serve such purpose. No advertising shall be allowed on the screening fences. Other uses are as follows:~~

~~Cotton ginning.~~

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~~Cotton seed oil refining.~~

~~Hair, hides, and raw fur, curing, tanning, dressing, dyeing and storage.~~

~~Junk and salvage storage, treatment, or baling (metal, paper, rags, waste, or glass).~~

~~Leather tanning and curing.~~

~~Shell, dredging.~~

~~Stockyard.~~

~~Storage battery (wet cell).~~

~~(7) Hazardous materials, as follows: Any facility the owner or operator of which is required to file a state tier two report, concerning hazardous materials, with the state department of health.~~

~~(8) Accessory buildings and uses customarily incidental to those listed in this section.~~

Sec. 78-268. Height and area regulations.

Height and area requirements for an I industrial district can be found in division 2, article V of this chapter, and, in addition, the following regulations shall apply:

(1) Whenever any building or structure in the I industrial district adjoins or abuts upon a residence district, such building or structure shall not exceed 50 feet in height unless set back one foot from all required yard lines abutting such residential district for each foot of additional height above 50 feet.

(2) No part of any building or accessory structures shall be located closer than 100 feet to any residential boundary or within 35 feet of any street line.

(3) The aggregate area covered by a building shall not exceed 50 percent of the entire area of the lot.

Sec. 78-269. Parking and loading regulations.

Parking and loading regulations for an industrial district can be found in division 3, article V of this chapter. Employee parking spaces shall be provided on the ratio of at least one for each ~~300~~ 400 square feet of floor area in each building used for offices or similar purposes, and in the ratio of at least one space for each ~~500~~ 600 square feet of floor area in each building used for manufacturing or similar purposes or one space for each two employees, whichever is greater.

~~**Sec. 78-270. Sign regulations.**~~

~~For sign regulations see section 78-400 et seq.~~

Secs. 78-270—78-280. Reserved.

DIVISION 12~~5~~. IP INDUSTRIAL PARK DISTRICT *RESERVED.*

~~Sec. 78-281. Purpose of division.~~

~~The regulations set forth in this division or set forth elsewhere in this article when referred to in this division, are the regulations in the IP industrial park district. The purpose of this IP district to provide sufficient space in appropriate locations for certain types of business and manufacturing, relatively free from offense, in modern, landscaped buildings, and to make available more attractive locations for these businesses and residences with corresponding reduction of travel time from home to work. It is intended that the IP district shall be laid out and developed according to approved plans so that the purpose of the IP district may be accomplished.~~

~~Sec. 78-282. Permitted uses.~~

~~A building or premises in the IP industrial park district shall be used only for the following purposes, provided such uses do not create any danger to health and safety in surrounding areas and do not create any offensive noise, vibration, smoke, dust, odors, heat, or glare, and by reason of high value in relation to size and weight of merchandise received and shipped, create very little truck traffic.~~

~~(1) Art needlework, hand weaving, and tapestries.~~

~~(2) Books, hand binding and tooling.~~

~~(3) Compounding of cosmetics and pharmaceutical products.~~

~~(4) Jewelry, manufacture from precious metals.~~

~~(5) Laboratories, research, experimental and testing.~~

~~(6) Manufacture of clay, leather, metal, and glass products of a handicraft nature.~~

~~(7) Manufacture of medical, dental, and drafting instruments.~~

~~(8) Manufacture of optical goods and equipment, watches, clocks, and other similar precision instruments.~~

~~(9) Manufacture of small electrical or electronic apparatus, musical instruments, games, and toys.~~

~~(10) Motion picture producing.~~

~~(11) Offices, business, professional and governmental.~~

~~(12) Radio and television broadcasting stations and studios, but not including sending or receiving towers.~~

~~(13) Knitting, weaving, printing, finishing of textiles and fibers into fabric goods.~~

~~(14) Generally, those office, laboratory, and manufacturing uses similar to those listed in this division.~~

~~(15) Accessory uses, including one nonilluminated name sign of not more than 30 square feet in area and projecting not more than one foot from the front of the building.~~

~~(16) Uses permitted in the project area according to the residential district regulations in force prior to the establishment of the limited industrial district on the tract in question as the~~

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only alternative in case the district is not used for the purpose for which it was especially intended, namely office, laboratory, and limited light industrial uses.

Sec. 78-283. Submission of application and plan for development of land as IP district.

The owner of any tract of land may submit a plan for the use and development of all or part of the tract for the purpose of, and meeting the requirements set forth in, this division. Any recommendations of the planning and zoning commission to the city council shall be accompanied by a report stating the reasons for such recommendation and whether the application meets the requirements of the IP industrial park district as set forth in this division.

Sec. 78-284. Special conditions.

The plans for development of all or part of an IP industrial district shall show the requirements set forth in this division and shall show the width of right-of-way and pavement of existing streets. The IP district shall be developed according to this division. In addition, it is hereby specified and required that:

(1) No part of any building or accessory structure shall be located closer than 100 feet to any residential district boundary or within 35 feet of any street line.

(2) The aggregate area covered by a building shall not exceed 50 percent of the entire area of the lot.

(3) Employee parking space shall be provided in the district in the ratio of at least one space for each 300 square feet of floor area in each building used for offices or similar purpose, and in the ratio of at least one space for each 500 square feet of floor area in each building used for manufacturing or similar purposes or one space for each two employees, whichever is greater.

(4) Service drives or other areas shall be provided for off-street loading, and in such a way that in the process of loading or unloading, no truck will block the passage of other vehicles on the service drive or extend into any other public or private drive or street used for traffic circulation.

(5) The roads, driveways, parking areas, and walks shall be paved with hard-surfaced material.

(6) Any part of a lot not used for buildings or other structures, parking, or loading spaces and access thereto, shall be landscaped with grass, trees, shrubs, or pedestrian walks.

Sec. 78-285. Additional requirements.

Before recommending approval of an IP industrial park district or plans for development of an IP industrial park district, the planning and zoning commission may make reasonable additional requirements as to utilities, drainage, landscaping, lighting, signs, and advertising devices, screening accessway, curb cuts, traffic control, height of buildings, and setback of buildings as may be necessary or to protect adjoining residentially zoned lots or residential uses. Any additional requirements recommended by the planning and zoning commission shall be forwarded to the city council as part of the final report.

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Secs. 78-2861—78-295. Reserved.

DIVISION 136. T1-A TRAVEL TRAILER/RECREATIONAL PARK, T1-B HUD-CODE MANUFACTURED HOME PARK, AND T1-C HUD-CODE MANUFACTURED HOME SUBDIVISION DISTRICTS

Sec. 78-296. Definitions.

The following words, terms, and phrases, when used in this district, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Advertising or *advertisement* means any commercial message which promotes the sale, exchange, or lease-purchase of manufactured homes and which appears in, or is presented on, radio, television, a public address system, newspaper, leaflets, flyers, catalogs, direct mail literature, other printed material, an inside or outside sign or window display, or in point-of-sale literature or price tags. Materials which are educational or that may be required by law do not constitute advertising. Any advertisement relating to manufactured housing shall be considered as an offer to sell, exchange, or lease-purchase to consumers.

Alteration means the replacement, addition, and modification, or removal of any equipment or its installation in a new manufactured home after sale by a manufacturer to a retailer, but prior to sale and installation by a retailer to a purchaser which may affect the construction, fire safety, occupancy, plumbing, heat-producing or electrical system. It includes any modification made in the manufactured home which may affect the compliance of a home with the standards, but it does not include the repair or replacement of a component or appliance requiring plug-in to an electrical receptacle where the replaced item is of the same configuration and rating as the one being replaced. It also does not include the addition of an appliance requiring plug-in to an electrical receptacle, which appliance was not provided with the manufactured home by the manufacturer if the rating of the appliance does not exceed the rating of the receptacle to which it is connected.

Broker means a person engaged by one or more other persons to negotiate or offer to negotiate bargains or contracts for the sale, exchange, or lease-purchase of a manufactured home to which a certificate or document of title has been issued and is outstanding. A broker may or may not be an agent of any party involved in the transaction. A person who maintains a location for the display of manufactured homes is not a broker but is a retailer. The term shall not apply if the manufactured home is affixed to a permanent foundation, the manufacturer's certificate or the document of title is canceled, and the home is offered as real estate; however, the provisions of the real estate license act, Vernon's Ann. Civ. St. art. 6573a shall apply.

Consumer means any person other than one registered under this division who seeks or acquires by purchase, exchange, or lease-purchase a manufactured home.

Dependent travel trailer means a manufactured home without inside toilets and bath.

HUD-Code manufactured home means a structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a

permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 CFR 3282.8(g).

HUD-Code manufactured home subdivision means a subdivision platted for only HUD-Code manufactured homes as per chapter 54 of this Code.

Industrialized housing means a home is built to a state code that is adopted by the state department of licensing and regulation and labeled at the end of the building process.

Installation means the transporting of manufactured homes or manufactured home components to the place where they will be used by the consumer, the construction of the foundation system, whether temporary or permanent, and the placement and erection of a manufactured home or manufactured home components on the foundation system, and includes supporting, blocking, leveling, securing, anchoring, and proper connection of multiple or expandable sections or components, the installation of air conditioning, and minor adjustments.

Installer means any person, including a retailer or manufacturer, who performs installation functions on manufactured housing.

Label means a device or insignia issued by the commissioner to indicate compliance with the standards, rules, and regulations established by the Department of Housing and Urban Development and is permanently affixed to each transportable section of each HUD-Code manufactured home constructed after June 15, 1976, for sale to a consumer.

Lease-purchase means entering into a lease contract with a provision conferring on the lessee an option to purchase the manufactured home.

Manufactured home park means any plot of ground upon which facilities are provided for locating two or more manufactured homes to be occupied for dwelling or sleeping purposes, regardless of whether or not a charge is made for such accommodation.

Manufactured home space means a plot of ground within a manufactured home park designed for the accommodation of one manufactured home.

Manufactured housing or *manufactured home* means a HUD-Code manufactured home or a mobile home and collectively means and refers to both.

Manufacturer means any person who constructs or assembles manufactured housing for sale, exchange, or lease-purchase within the state.

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

Natural or artificial barrier means any embankment, fence, hedge, or other feature that serves to block direct pedestrian access or visibility.

Operator means the person in charge of operating any manufactured home park either under written or verbal lease, or any other arrangement whereby he exercises control over the premises.

Owner means the person in whose name the title of the lot, block, tract, or parcel of land is shown to be.

Person means an individual, partnership, company, corporation, association, or other group, however organized.

Registrant means any person who has registered with the department and has been issued a certificate of registration as a manufactured housing manufacturer, retailer, broker, salesperson, or installer.

Retailer means any person engaged in the business of buying for resale, selling, or exchanging manufactured homes or offering such for sale, exchange, or lease-purchase to consumers. No person shall be considered a retailer unless engaged in the sale, exchange, or lease-purchase of two or more manufactured homes to consumers in any consecutive 12-month period.

Salesperson means any person who for any form of compensation sells or lease-purchases manufactured housing to consumers as an employee or agent of a retailer or broker.

State commission means the Texas Commission of Licensing and Regulation.

State commissioner means the Texas Commissioner of Licensing and Regulation.

State department means the Texas Department of Licensing and Regulation.

State manufactured housing standards code means the Texas Manufactured Housing Standards Code.

State seal means a device or insignia issued by the state commissioner to be affixed to used manufactured homes for titling purposes, as required by the state commissioner. The seal shall remain the property of the state department.

Travel trailer or recreational vehicle means a vehicular portable structure such as a travel trailer or camping trailer or self-propelled pickup truck camper or motor home designed as a temporary dwelling for travel, recreation, and vacation uses.

Travel trailer or recreational vehicle park means any plot of ground upon which facilities are provided to locate two or more travel trailers or recreational vehicles to be occupied for a temporary dwelling for travel, recreation or vacation uses.

The definitions of the terms "mobile home," "HUD-Code manufactured home," and "manufactured housing" set forth in this section are binding on all persons and agencies in this state as a matter of law, including local political subdivisions and home-rule cities. A mobile home is not a HUD-Code manufactured home, and a HUD-Code manufactured home is not a mobile home for any purpose under the laws of this state.

Sec. 78-297. Regulations.

The regulations set forth in this division, or set forth elsewhere in this article, when referred to in this division, are the regulations of the T1-A travel trailer/recreational vehicle park district, the T1-B HUD-Code manufactured home park district, and the T1-C HUD-Code manufactured home subdivision district. These districts are intended to preserve appropriate land for the development for single-family residences utilizing HUD-Code manufactured home parks and subdivisions and also for the development of tourist accommodations which utilize travel trailer/recreational vehicle parks. HUD-Code manufactured homes and travel trailers/recreational

vehicles shall be restricted to the zoning districts named in this article. It shall be unlawful for any person to construct, alter or extend any travel trailer/recreational vehicle park, HUD-Code manufactured home park or subdivision area within the limits of the city unless he holds a valid building permit issued by the city building official in the name of such person for the specific construction, alteration, or extension proposed. Additionally, any use permitted in an R-1 single-family residential district or R-2 two-family residential district with a letter of acknowledgement accompanying the permit stating that the owner recognizes this is either a T1-A Travel Trailer/Recreational Park, T1-B HUD-Code Manufactured Home Park, or T1-C HUD-Code Manufactured Home Subdivision district. Also, all plans for specific construction, alteration, or extension of a travel trailer/recreational vehicle park, HUD-Code manufactured home park or HUD-Code manufactured home subdivision shall have been submitted, reviewed and approved by the planning and zoning commission according to the procedures established by the subdivision chapter of this Code and all other applicable ordinances of the city before the certificate of occupancy is issued by the building official.

Sec. 78-298. T1-A travel trailer or recreational vehicle park district; use regulations.

An area or premises developed as a T1-A travel trailer or recreational vehicle park district shall be used and developed according to the following regulations:

(1) *Permit requirements.* A permit to construct, alter or extend any travel trailer or recreational vehicle park area may be issued only when such area is located within the appropriate zoning district as provided for in this article and such area consists of at least five acres in size with a minimum frontage of 100 feet, located on a public street or highway.

(2) *Ground surfaces.* Exposed ground surfaces in all parts of a travel trailer or recreational vehicle park shall be paved or covered with screening or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and eliminating objectionable dust.

(3) *Access.* Access to the travel trailer or recreational vehicle park shall be from a public street or highway. Number and location of access drives shall be controlled for safety and protection of personal property. No travel trailer or recreational vehicle space shall be designed for direct access to a street outside the premises of the travel trailer or recreational vehicle park. Interior access drives shall be paved and maintained in a smooth hard and dense surface which shall be well drained.

(4) *Internal access drives.* Internal access drives shall meet the following requirements:

a.	One-way, no parking (Acceptable only if less than 500 feet total length and serving less than 25 trailer or recreational vehicle spaces.)	11 feet
b.	One-way, parking on one side only or two-way, no parking (Acceptable only if serving less than 50 trailer or recreational vehicle spaces.)	18 feet
c.	Two-way, no parking	24 feet
d.	Two-way, parking on one side only	27 feet
e.	Two-way, parking on both sides	34 feet

(5) *Parking, loading and maneuverability.* Each travel trailer or recreational vehicle space shall provide sufficient parking and maneuverability space so the parking, loading, or maneuvering of trailers or recreational vehicles incidental to parking shall not necessitate the use of any public street, sidewalk, or right-of-way or any private grounds not part of the travel trailer or recreational vehicle park.

(6) *Lot area.* There shall be no minimum lot area for a travel trailer or recreational vehicle space in a travel trailer or recreational vehicle park except that trailers or recreational vehicles shall be so harbored on each space that there shall be at least a 20-foot unobstructed clearance between travel trailers or recreational vehicles; provided, however, that no part of a travel trailer or recreational vehicle shall be located closer than five feet to any access drive. There shall be no more than 18 travel trailer or recreational vehicle spaces per acre of gross site area.

(7) *Screening.* The travel trailer or recreational vehicle park shall be screened from public streets, highways, and adjacent property by a standard screening fence or landscape of at least six feet in height, unless this requirement is modified or waived by city council action after a hearing and recommendation of the planning and zoning commission.

(8) *Recreation area or common space.* In all travel trailer or recreational vehicle parks there shall be at least one recreation area or common space which shall be accessible from all spaces. The site of such recreation area or common space shall total not less than ten percent of the gross acreage of the park.

(9) *Lighting.* Outside lighting shall be erected in such a manner that it not be detrimental to or project onto adjacent properties.

(10) *Signs regulations.* For sign regulations see section 78-400 et seq.

(11) *Conformance with other codes.* The travel trailer or recreational vehicle park shall conform to all other regulations contained in the city building code, gas code, plumbing code and the National Electrical Code. ~~Restroom facilities (one male and one female) shall be provided in the ratio as follows:~~

~~Restrooms~~	~~Spaces~~
~~1~~	~~1—18~~
~~2~~	~~19—36~~
~~3~~	~~37—54~~
4	~~55—72~~

~~Add a male and female restroom for each additional 18 spaces.~~

Park Facilities. Recreational vehicle parks shall provide the following facilities specifically for the use of park patrons:

a. For parks proposing 10 RV pads or less, a minimum of one ADA-compliant, unisex restroom facility, available 24 hours per day and located on the same property as the RV park is required. Portable toilet facilities will not be permitted in any case.

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b. For parks with 11 to 50 RV pads, there will be separate men's and women's restroom facilities available for use of park patrons as follows: a minimum of one standard toilet stall and one ADA accessible stall, with hand washing sinks available, as appropriate. For additional increments of 50 RV parking pads, or portions thereof, restroom facilities are to be provided as noted above.

c. Showers and coin-operated laundry facilities are permitted.

d. Water filling stations and sanitary waste dump stations must be connected to the city's utility system and must have a minimum of 50-foot separation.

e. Refuse containers for solid waste shall be provided and serviced by the city's contracted waste management service in quantities recommended by said service.

(12) *Storage, collection, and disposal of refuse.* Storage, collection, and disposal of refuse in the travel trailer or recreational vehicle park area shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. All refuse shall be stored in fly tight, watertight, and rodentproof containers, which shall be located not more than 150 feet from any trailer space.

(13) *Fire prevention.* The travel trailer or recreational vehicle park area shall be subject to the rules and regulations of the city fire prevention authority. A travel trailer or recreational vehicle park exceeding ~~600~~ 500 feet in depth shall be required to install a six-inch fire main, looped, ~~if possible~~, located within the travel trailer or recreational vehicle park and installed at or near the edge of the paving in a dedicated easement or fire lane. Fire hydrants shall be located along the main so as to make fire protection available to all surface property in the travel trailer or recreational vehicle park. Every travel trailer or recreational vehicle must have a fire hydrant within 500 feet. This facility is to be installed at the developer's expense and maintained by the city. Metered service connections are to be provided from the fire main, as approved by the water superintendent.

(14) *Certificate of occupancy holder.* The person to whom a certificate of occupancy is issued shall at all times operate the travel trailer or recreational vehicle park in compliance with this division and shall provide adequate supervision to maintain the travel trailer or recreational vehicle park area and its facilities, keep equipment in good repair and in a clean and sanitary condition at all times, and shall ensure up-to-date, 24-hour emergency contact information is maintained on file with the City of Ingleside and that such information is posted in a public location at the travel trailer or recreational vehicle park.

(15) Areas consisting of at least three acres in size and zoned T1-A travel trailer/recreational park and in use as such, as evidenced by a certificate of occupancy or other suitable documentation, on or before the date this revision to the section is adopted are exempt solely from the five acre in size requirement set forth in section 78-298(1) of this chapter.

Sec. 78-299. T1-B HUD-Code manufactured home park district; use regulations.

An area or premises developed as a T1-B HUD-Code manufactured home park district shall be used and developed according to the following regulations:

(1) *Permit requirements.* A permit to construct, alter or extend any HUD-Code manufactured home park area may be issued only when such area is located within the appropriate zoning district as provided for in this article, and such area consists of at least five acres in size with a minimum width and/or depth of 300 feet located on a public street or highway.

(2) *Ground surfaces.* Exposed ground surfaces in all parts of a HUD-Code manufactured home park shall be paved or covered with screening or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and eliminating objectionable dust.

(3) *Access.* Access to the HUD-Code manufactured home park shall be from a public street or highway. Number or location of access drives shall be controlled for traffic safety and protection of surrounding properties. No manufactured home space shall be designed for direct access to a public street outside the boundaries of the manufactured home park, and the interior access drives shall be paved and maintained in a smooth hard and dense surface which shall be well drained.

(4) *Internal access drives.* Internal access drives shall ~~not be less than~~ ~~25 feet wide~~ be in accordance with Sec. 78-298 (4) a, b, c, d, e.

(5) *Lot area.* There shall be no minimum lot area for a HUD-Code manufactured home site in a HUD-Code manufactured home park, however, there shall be no more than ten HUD-Code manufactured home spaces per acre of gross site area. The minimum side-to-side unobstructed clearance between HUD-Code manufactured homes shall be 20 feet except where an open carport or porch is located contiguous to a HUD-Code manufactured home, a minimum ten-foot ~~unobstructable~~ unobstructed clearance is allowed between the HUD-Code manufactured home and the outer edge of the open carport or porch. End-to-end clearance between HUD-Code manufactured homes shall be no less than ten feet, and no part of a HUD-Code manufactured home shall be located closer than 20 feet to any building within the park, nor closer than five feet to an access drive. HUD-Code manufactured homes must be ten feet off of the street and five feet off of an easement.

(6) *Screening.* The HUD-Code manufactured home park shall be screened from public streets, highways, and adjacent property by a standard screening fence, unless this requirement is modified or waived by city council action after a hearing and recommendation of the planning and zoning commission.

(7) *Off-street parking.* Off-street parking spaces in HUD-Code manufactured home parks shall be provided in the ratio of 1½ spaces per HUD-Code manufactured home in locations convenient to individual HUD-Code manufactured homes or groups of HUD-Code manufactured homes.

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(8) *Conformance with other codes.* The HUD-Code manufactured home park shall conform to all other regulations contained in the city building code, gas code, plumbing code and the National Electrical Code.

(9) *Fire prevention.* A HUD-Code manufactured home park exceeding ~~600~~ 500 feet in depth shall be required to install a six-inch fire main, looped, ~~if possible~~, located within the HUD-Code manufactured home park and installed at or near the edge of the paving in a dedicated easement or fire lane. Fire hydrants shall be located along the main so as to make fire protection available to all surface property in the HUD-Code manufactured home park. Every HUD-Code manufactured home space must have a fire hydrant within 500 feet. This facility is to be installed at the developer's expense and maintained by the city. Metered service connections are to be provided for the fire main as approved by the water superintendent.

(10) *Lighting.* Outside lighting shall be erected in such a manner that it is not detrimental to or project onto adjacent properties.

(11) *Signs regulations.* For sign regulations see section 78-400 et seq.

Sec. 78-300. T1-C HUD-Code manufactured home subdivision district; use regulations.

An area or premises developed as a T1-C HUD-Code manufactured home subdivision district shall be used and developed according to the following regulations:

(1) *Permit requirements.* A permit to construct, alter or extend any HUD-Code manufactured home subdivision may be issued only when such area is located within the appropriate zoning district as provided for in this article, and such area consists of at least eight acres in size with a minimum width and/or depth of 300 feet, located on a public street or highway.

(2) *Conformance to subdivision and code requirements.* A HUD-Code manufactured home subdivision shall meet all city requirements as set forth in the subdivision chapter of this Code and shall also conform to all other regulations contained in the city building code, gas code, plumbing code and the National Electrical Code.

(3) *Signs regulations.* For sign regulations see section 78-400 et seq.

Secs. 78-301—78-304. Reserved.

DIVISION 14<u>7</u>. PUD - PLANNED UNIT DEVELOPMENT

Sec. 78-305. Scope and purpose.

The planned unit development district (PUD) is a zoning district designation, which in the sole and absolute discretion of the city council, can be granted to any property which meets the requirements of this section. <u>A PUD may be designed as Residential, Commercial or Industrial.</u> Its boundaries in each case shall be determined by the city council. It is the intent of this section to provide for greater flexibility in the design of residential, commercial and industrial buildings, houses, yards, courtyards, streets, and pedestrian and automobile circulation within a development than would otherwise be possible through the application of existing rules and regulations of this

chapter and the platting ordinance. It is further the intent of this section to provide for maximum choice in the types of environment and living units available to the public, an integration of open space and recreation areas with residential development, a pattern of development which preserves trees, outstanding natural topography, and geologic features, a creative approach to the use of land and related physical development, an efficient use of land resulting in small networks of utilities and streets and thereby lower operating and maintenance costs, without material, adverse impact on public costs, and an environment of stable character in harmony with surrounding development. The planned unit development concept is a recognition that at times greater quality of development can be achieved by permitting modification of established zoning and subdivision regulations and when property is planned, and developed as a unit, modification to standard regulations is possible without endangering the health, safety, and general welfare of the public.

Sec. 78-306. Minimum requirements.

(a) *Project land size.* A PUD may be authorized on sites of ten acres or more but no less than that.

(b) *Permitted uses.* A PUD may be approved for any combination of the following: residential, commercial or industrial purposes.

(c) *Density.* A minimum 6,000 square feet per dwelling unit density average inclusive of all contiguous property in residential development, but exclusive of public streets and alleys.

(d) *Height and peripheral yard requirements.*

(1) *Height.* No structure shall have more than four and one-half stories. No residential structure shall have a height of more than 50 feet.

(2) *Residential yards abutting street.* All residential structures the front or back of which is adjacent to a public street shall be a minimum of 25 feet from the nearest right-of-way line of said street, except where a greater setback is required. All residential structures the side of which is adjacent to a public street shall be a minimum of ten feet from the nearest right-of-way line of said street, except where a greater setback is required.

(3) *Yards abutting existing developments.* All residential structures adjacent to the property line of an existing residential development, alley, or easement, shall have the same yard requirements as for the adjacent yard in the existing development.

(4) *Commercial property abutting street.* All commercial structures the front or back of which is adjacent to a public street shall be a minimum of 20 feet from the nearest right-of-way line of said street, except where a greater setback is required. There shall be no setback requirements for side yards or rear yards in commercial areas, except at intersections where setbacks are required.

(e) *Interior site requirements.*

(1) *Minimum lot requirements.* An individual lot for each structure is not required, but individual lots may be provided at the developer's option. There is no minimum area, width, or length requirement for lots. Lot boundaries may coincide with structure boundaries. If individual lots are provided there shall be no requirement that the lot front a public street, so long as public street access requirements are met.

(2) *Vehicular access and internal circulation.*

a. Curb cuts shall be limited to the minimum necessary to provide adequate ingress and egress to the development.

b. Internal vehicular circulation may be on private streets owned and maintained by the corporation, association, or other legal entity.

c. Dedication of R.O.W. and/or construction of paving for a public street or streets through or into the development may be required as the planning commission and city council deem necessary.

d. The width and location of the streets shall be sufficient to provide adequate capacity for the anticipated traffic volumes and to provide suitable access for emergency vehicles.

e. Vehicle access to and from public roads must be provided.

(3) *Parking requirements.* There shall be a minimum of two paved off-street parking spaces for every residential dwelling unit. Parking shall be convenient to all dwelling units and where appropriate, common driveways, parking areas, walks and steps shall be provided and maintained. Screening of parking and service areas may be required through use of trees, shrubs, hedges, and screening walls. Garages or carports may be considered as parking spaces in order to meet this requirement.

(4) *Sidewalks.* Adequate sidewalks may be required for complete pedestrian circulations throughout the entire development.

(5) *Building spacing.* Minimum distance between buildings shall be ten feet except for common wall construction.

(6) *Drainage.* Drainage both away from the site and on site must be provided.

(7) *Required standards.* All utilities, streets, and drainage facilities to be dedicated, if any, to the city shall meet standards equal in function and qualify to those required by Ingleside City Code.

(f) Notwithstanding the requirements of subsection (d)(1) above, the maximum height of buildings in the Live Oak PUD approved on the same date as was this ordinance, the legal description of which PUD follows hereafter, is eight stories or 90 feet, and the 25-foot setback requirement of subsection (d)(2) above is not applicable to said PUD: being 1,255.83 acres of land out of the Louis Von Zacharias Survey A-272: the R. S. Williamson Survey. A-283: the T. T. Williamson Survey. A-295: and the John Robinson Survey A-226 located in Ingleside, San Patricio County, Texas.

Sec. 78-307. Common area.

(a) The development may include individual ownership of units, structures, or property, but such is not required.

(b) Common areas which relate to and serve the individual occupants, may be required, but are not mandatory.

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(c) "Common area" shall mean a parcel or parcels of land, or an area of water, or a combination of land and water, and/or developed facilities including but not limited to areas for vehicular and pedestrian access and recreational facilities within the site and designed and intended for the use or enjoyment of occupants of the development. Common areas may contain such complementary structures and improvements as are reasonable and appropriate for the benefit and enjoyment of the occupants of the planned unit development.

(d) All common area shall be controlled by a corporation, association, or other legal entity. The instruments vesting control must include terms providing for (1) the continued use of such land for the intended purposes; (2) continuity of property maintenance for those portions of the common area requiring maintenance; (3) the availability of funds required for such maintenance; (4) adequate insurance protection; (5) recovery for loss sustained by casualty or by condemnation; and (6) the operation and maintenance of such areas, buildings, structures, improvements, facilities, and services as will be for use in commonality by some or all of the occupants within the development, either at general expense to the developer, his successors or assigns and/or by assessments against owners.

Sec. 78-308. Application.

An application for PUD district designation shall be filed with ~~building official~~ administrative officer. The application shall include the following:

(1) Proposed use of the property and all improvements thereon;

(2) New construction proposed;

(3) Off-street parking;

(4) Screening walls and fences;

(5) Landscaping;

(6) Open space;

(7) Public street ingress and egress;

(8) Sidewalk alleys, driveways, streets and my required utility easements and drainage; and

(9) Such other information, documentation, plats and plans as are required by the city to demonstrate compliance with this section, including any conditions imposed by the council.

Sec. 78-309. Recommendation for issuance by planning and zoning commission—Conditions.

The planning and zoning commission, by majority vote, may recommend to the city council that a PUD be granted, if, after public hearing and after consideration of the plans and the recommendation of the city staff and other evidence presented at the hearing, the planning and zoning commission finds the following:

(1) Property use will not adversely affect the surrounding property or the health, safety and general welfare of the public.

(2) Sufficient off-street parking will be provided to accommodate the use of the property.

(3) Screening walls or fences will be provided as reasonable or necessary to visually shield the less restrictive from more restrictive neighboring uses.

(4) Landscaping will be provided, as reasonable or necessary, to cause the property to be more attractive to better blend in with, and to be less visually objectionable to surrounding, more restrictively zoned properties.

(5) Sufficient open space will be provided to create a buffer or transition area between the less and the more restrictive zones.

(6) Sufficient and safe public street ingress and egress will be provided.

(7) Sufficient drainage will be provided for surface water and stormwater runoff and drainage.

(8) Such other safeguards as are reasonable or necessary in order to protect surrounding property, persons and neighborhood values will be provided, which safeguards shall be particularly described.

A grant of a PUD district zoning designation constitutes an implication that the above findings have been made without any express statement to that effect by the planning and zoning commission, except where an express statement is required.

Sec. 78-310. Same—Site plan; other documents.

The planning and zoning commission recommendation to the city council shall be accompanied by a site plan and such other documents as shall be reasonable or necessary to ensure that all requirements determined by the planning and zoning commission to be reasonable or necessary are met and to ensure that the findings of the planning and zoning commission are complied with.

Sec. 78-311. Council to grant or deny.

(a) A PUD may be granted only if the city council makes the same findings as are required of the planning and zoning commission to be made above. A grant of a PUD zoning district designation constitutes an implication that the required findings have been made without any express statement to that effect, except where an express statement is required.

(b) In granting a PUD the city council may impose conditions which shall be complied with by the grantee before a certificate of occupancy may be issued ~~by the building inspector~~ for such use of the buildings and improvements. Such conditions shall be conditions precedent to the granting of a certificate of occupancy.

Secs. 78-312—78-330. Reserved.

ARTICLE V. SUPPLEMENTARY DISTRICT REGULATIONS

~~*DIVISION 1. GENERALLY*~~

~~**Sec. 78-321. Dome structures.**~~

~~All dome structures shall be a minimum living space per unit of 1,250 square feet. Dome structures shall meet the current standards as contained in section 78-298(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (12), (13), and (14), with one additional parking space sized nine feet by 30 feet for boat and trailer storage for every three living units.~~

~~**Secs. 78-322—78-330. Reserved.**~~

DIVISION ~~2~~1. HEIGHT AND AREA REGULATIONS

Sec. 78-331. Application of division.

The height and area regulations prescribed in this division shall apply to all districts except as provided in section 78-332. The regulations for area and height are as set forth in section 78-333, table XVII, regarding height and area regulations and the size and width of the lots and yards shall not be less, nor the building heights more, than stipulated for the respective districts.

Sec. 78-332. Enumeration.

The regulations set forth in this section qualify or supplement, as the case may be, the district regulations appearing in section 78-333, table XVII, regarding height and area regulations.

(1) *Intensity of use.* Any lot of record and separately owned at the time of passage of the ordinance from which this section was derived having less area or width than required in this section may be used only for a single-family dwelling, or any of the non-dwelling uses permitted in the district in which the lot is located.

(2) *Front yard.* When 30 percent or more of the lots on the same side of the street within the same block and within 200 feet are improved with buildings that have observed a greater or less depth of front yard than specified in section 78-331, then no portion of a new building shall project beyond a straight line drawn between the point closest to the street line of the building upon either side of the proposed building, or if there is a building upon only one side, then beyond the straight line projecting from the front of the two nearest buildings. This regulation shall not be interpreted to require a front yard of more than 100 feet in any rural, single-family, two-family, three- and four-family, residential or multiple-family districts, nor more than 50 feet in any commercial or industrial district. Where the road is curved, a setback line shall be parallel to the curve of the road and not be a straight line. Double frontage lots must have the required front yard on both streets, unless access is denied from one of the abutting streets, in which case the yard requirements contained in section 78-333, table XVII shall apply. A corner lot shall have one front yard, as required by the article, and the other side adjacent to the street of not less than 15 feet except that the buildable width of such lot shall not be reduced to less than 40 feet. When the garage entrance is on the side street or an alley, the building line for the garage face shall be 20 feet minimum distance from the property line. No accessory buildings shall project beyond the required yard line along any street.

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(3) *Side yard.* A side yard shall be provided on each side of a building in accordance with section 78-333, table XVII, except that the buildable width of a lot of record having less width than required in this section shall not be reduced to less than 40 feet, but in no case shall the side yard be reduced to less than five feet. For any non-dwelling use in the commercial or industrial district, a side yard is not required unless the lot abuts on any rural, single-family, two-family residential or multiple-family districts in which case there shall be a side yard of not less than ten feet.

(4) *Rear yard.* For any non-dwelling use in any commercial or industrial district, a rear yard is not required unless the lot abuts on any rural, single-family, two-family, three- and four-family residential or multiple-family districts, in which case the rear yard shall not be less than 15 feet. When a lot of record at the time of passage of the ordinance from which this section was derived is smaller than required in this section, the rear yard shall either be in accord with section 78-333, table XVII, or shall not be less than 20 percent of the depth of the lot, whichever amount is smaller. An accessory building in P, C-1, C-2, and I districts shall not exceed 20 feet in height, may occupy not more than 25 percent of required yard areas, nor may be located closer than 20 feet to the main building nor closer than five feet to any rear or side lot lines. In residential districts, the rear yard may occupy no more than 25 percent of the required yard area, whether the structure is attached to or detached from the main building, no closer than three feet from any easement and a detached structure shall be a minimum of eight feet from the main structure. Also the side building line shall conform to the setbacks of the main building.

Sec. 78-333. Height and area table.

The following table established the height and area regulations:

Table XVII: Height and Area Regulations

		Minimum Lot Area and Area per Family in Square Feet		Minimum Average Lot Width and Yard Requirements in Feet				Maximum Height of Building	
					Setbacks				
Article V, Division	District	Lot Area	Area per Family	Lot Width	Front	Side	Rear	Stories	Feet
2	Agricultural district	10 Acres	10 Acres	100	25	10	25	~~2½~~ *	~~35~~ 50
	R-1F (Farm Zone) single family residential district	2 ½ Acres	2 ½ Acres	80	25	5	25	*	50
	R-1R (Ranch Zone) single family	1 Acre	1 Acre	80	25	5	25	*	50

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	residential district								
	R-1E (Estate Zone) single family residential district	12,000	12,000	80	25	5	25	*	50
3	R-1 single-family residential district	6,000	6,000	~~60~~ 50	25	5	15	~~*~~	50
4	R-2 two-family residential district	10,000	5,000	75	25	7½	15	*	50
5	R-3 three- and four-family residential district	15,000	3,500	100	25	7½	15	*	50
6	M multiple-family district	15,000	1,500	100	25	7½	15	**	**
7	P professional office district	7,500	—	75	30	10	15	**	**
8	C-1 local commercial district	—	—	—	25	*	*	**	**
9	C-2 general commercial district	—	—	—	20	*	*	**	**
10	L-I light industrial district	—	—	—	20	*	*	2½	35
11	I industrial district	—	—	—	20	*	*	2½	*

A dash (—) indicates no applicable regulations.

An asterisk (*) indicates no applicable regulation, except as contained in this division.

Two asterisks (**) indicates that the applicable regulation is contained in the currently adopted building code.

Height is measured to the highest peak of the roof.

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Sec. 78-334. Exceptions and variations—Generally.

The district regulations in sections 78-334 through 78-340 qualify or supplement, as the case may be, the district regulations appearing elsewhere in this chapter.

Sec. 78-335. Same—Height.

(a) Public, semipublic, or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding 60 feet, and churches may be erected to a height not exceeding 75 feet if the building is set back from each yard line at least one foot for each additional building height above the height limit otherwise provided in the district in which the building is located.

(b) Chimneys, cooling towers, elevators, bulkheads, fire towers, monuments, stacks, stage towers, tanks, water towers, ornamental towers, spires, church steeples, radio towers, or necessary mechanical apparatus may be erected to any safe height not in conflict with existing or hereafter adopted ordinances of the city.

Sec. 78-336. Same—Accessory buildings.

~~(a) Accessory buildings may be built in a required rear yard, but such accessory buildings shall have the same or the main use of the premises to which the accessory building is incidental. Any accessory buildings shall not be nearer than five feet to any rear lot lines or easements. Nor shall any accessory building occupy any more than 25 percent of the total area of the rear yard. In districts that do not have side yard requirements, the minimum distances shall be five feet.~~

~~(b) An accessory building may be constructed upon a lot of one acre or more before the construction of the main building has actually commenced.~~

~~(c) Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings in the rear yard, and except for the ordinary projection of sills, belt courses, cornices, and ornamental features projecting not to exceed 12 inches.~~

(a) Attached Accessory Buildings shall conform to the regulations applicable to the primary building. Attached buildings are defined as any building sharing a common roof with the primary structure or attached to any wall of the primary structure.

(b) Detached Accessory Buildings shall be subject to the following regulations. Accessory buildings in an area zoned as an Agriculture District (A) directly associated with a bona fide private agricultural use of the property have differentiating requirements noted separately under various headings below.

1. Front Yard - Accessory buildings shall not be located closer to the front property line than the primary building or the front yard setback requirement for that zoning district, whichever is greater.

2. Rear Yard - When the accessory building is a garage or carport with rear access, the rear setback shall be a minimum of twenty (20) feet from the property line. All other accessory buildings shall not be located closer than five (5) feet to the rear property line.

3. Side Yard - Accessory buildings shall not be located closer than five (5) feet to the side property line when the accessory building is located behind the primary building. When the accessory building is located in the side yard, the setback for the accessory building will be the same as the setback requirement for the primary building.

4. Other Structures – All accessory buildings shall comply with the fire separation requirements specified in the IRC.

5. Easements - No accessory building shall be located within any easement.

6. Properties Zoned Agriculture - Barns and/or stables shall not be located within fifty (50) feet of any property line or dwelling.

(c) Accessory Building Construction – Construction must meet the following requirements:

1. **Roofs -** The minimum roof slope for all accessory buildings shall be 3:12, unless the accessory building is prefabricated, pre-finished, and covers less than two (2) percent of the lot or is a carport.

2. **Exterior Walls** - Exterior walls of accessory buildings must comply with the following requirements:

   a) Accessory buildings covering must be compatible with primary building materials.

3. **Building Height** - Accessory buildings shall be limited to a height of not more than fifteen (15) feet to the top of the roof unless for the purposes of a carport or garage in which the height shall not be greater than the height of the primary structure. (This measurement will be taken from grade level at any point surrounding the building.)

4. **Properties Zoned Agriculture** - Accessory buildings shall be limited to a height of not more than twenty (20) feet to the top of the roof. (This measurement will be taken from grade level at any point surrounding the building.)

5. **Foundations** - The building may be placed on the ground without a foundation provided that the building is anchored to the ground. This must be done to resist wind loads. Foundation requirements and anchoring methods for an accessory building (except barns) are as follows:

   a) Any accessory building with a permanent cast in place concrete foundation shall adhere to current adopted International Building Codes, or;

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b) An accessory building less than 200 sq. ft. may be anchored at all corners with approved type tie downs designed to resist a horizontal wind load of at least 70 miles per hour.

6. **Size Limitations** – Combined total of accessory buildings shall not exceed 25 percent of the total area of the rear yard, five (5) percent of lot coverage or sixty (60) percent of the primary structure, whichever is less. In no case shall the combined area of the primary structure and the accessory building(s) exceed the maximum percentage of lot coverage allowed for the zoning district on which the structures are placed.

(d) Miscellaneous Requirements:

1. No land or building shall be used nor intended for any use other than those uses permitted in the district where the land or building is located.

2. No building shall be erected, reconstructed, enlarged, structurally altered, or moved in such a manner as to evade conformity with height, bulk, lot area, use and other regulations for the district where the building is located.

3. No yard provided adjacent to a building for the purpose of complying with provisions of the Zoning Ordinance shall be considered as providing any part of a yard for another building on the same lot or on an adjacent lot.

4. No trailers, containers, shipping containers, commercial boxes, vehicles, or similar structures shall be used as occupied dwelling buildings or occupied structures on properties used for residential purposes, regardless of the zoning district.

5. It shall be unlawful for any person(s) to construct or assemble any accessory building on any property within the city limits of the City of Ingleside that does not conform to these guidelines after the effective date of this ordinance.

Note: Approval by the City of Ingleside does not constitute approval to violate any deed restriction. The City of Ingleside is unable to enforce deed restrictions; therefore, it is the responsibility of the applicant to verify compliance with all deed restrictions prior to construction.

Sec. 78-337. Same—Area and use.

~~(a) Fences shall be constructed as provided in article XI of chapter 18 of this Code.~~

~~(b) For the purpose of side yard regulations, a two-family group house or a multiple dwelling shall be considered as one building occupying one lot.~~

~~(c)~~ Buildings that are to be used for storage purposes only may exceed the maximum number of stories permitted in the district in which they are located, but such buildings shall not exceed the number of feet of building height permitted in such districts.

Sec. 78-338. Same—Temporary uses.

(a) *Construction work.* Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period the work is under way, but such temporary buildings shall be removed upon the completion of the construction work as determined by the administrative officer.

(b) *Emergency temporary occupancy.* If, as a result of fire, flood, wind, storm, hurricane, tornado, or similar calamity, a lawfully occupied single-family residence is damaged to such an extent that it is rendered uninhabitable ~~or if new improvements valued at or costing more than $500,000.00 are being made to real property and the owner has no habitable structure on or near enough to the property for someone to live in and provide security for the project against fire, theft, vandalism, or similar occurrences~~, then, on application to the city, a temporary permit may be issued by the city council to the property owner for the placement of a travel trailer, recreational vehicle, manufactured house, or other structure on the property for use as a residence on the following terms and conditions:

(1) The purpose of the permit is to allow a use which is not otherwise allowable in the zoning district of the property for such period of time as is necessary to repair the damaged structure to a habitable condition in which it may be lawfully occupied as a single-family residence or to complete the new improvements.

(2) The permit shall be limited so as to allow for occupancy of the temporary abode by the person who occupied the premises at the time the damage occurred and no other person or by a person providing security for the new improvements to the owner.

(3) The temporary occupancy permit shall be for a total period of time not exceeding six months from the date of the occurrence in the case of a damaged residence ~~or one year in the case of new improvements~~, including the initial term of the permit and all extensions of the permit, which initial term and all extensions shall otherwise be for such period of time as the city council, in its discretion, deems reasonable.

(4) The permit may be revoked at any time by the city council on ten days' written notice to the owner, mailed to his last known mailing address, if the repairs or construction are not proceeding expeditiously, the property is not being occupied by the person who occupied the property on the date of the occurrence, by the security person, or if any other condition of the permit is not complied with.

(5) The city council may impose any other conditions which it deems reasonable.

Sec. 78-339. Same—More than one building on single lot.

More than one industrial, commercial, multiple-dwelling, or institutional building may be erected upon a single lot or tract, but the yards and open spaces required around the boundaries of the lot or tract shall not be encroached upon by any such buildings, nor shall there be any change in the intensity of use regulations. The minimum distances between multiple building structures shall not be less than ten feet or the applicable regulation is contained in the currently adopted building code.

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Sec. 78-340. Same—Railroad right-of-way.

On all existing rights-of-way of railroad companies, regardless of the zoning district in which such right-of-way is located, railroad trackage and trackage and accessories to railroad movement may be constructed or maintained.

Sec. 78-341. Dwelling minimum square footage.

Primary Dwellings constructed in Agricultural, R-1F, R-1R, R-1E, R-1, and R-2 zoning districts shall have a minimum square footage of 1,000 square feet of conditioned space in any dwelling unit. Dwellings constructed in R-3 zoning districts shall have a minimum square footage of 800 square feet of conditioned space in any dwelling unit.

Secs. 78-342—78-350. Reserved.

DIVISION 3~~3~~2. OFF-STREET PARKING AND LOADING

Sec. 78-351. Parking requirements based on use.

(a) Required. In all districts there shall be provided at the time a building or structure is erected or structurally altered enlarged or increased in capacity or ~~if when~~ the use of a building or structure is changed, except as provided in subsection (b) of this section, and sections 78-352 and 78-354, off-street parking spaces in accordance with the requirements established in the following table XVIII regarding parking requirements based on use:

Table XVIII

Parking Requirements Based on Use

Use or Use Occupancy:		Spaces Required per Basic Measuring Unit	Additional Requirements
	Dance hall, assembly, convention hall, reception hall or exhibition without fixed seats	One ~~per~~ space for each ~~100~~ 200 square feet of floor area	
	Church, rectory, or other place of worship	One per each four fixed seats, or 6 feet of bench, in all areas that may be simultaneously used for assembly	Where there is no fixed seating or a combination of assembly areas with and without fixed seating, 1 parking space shall be provided for each 35 square feet of assembly space
	School, secondary, ~~or~~ college or university	One per each eight ~~seats~~ students ~~in auditorium~~ at maximum capacity	Or ~~six~~ four spaces per each classroom, whichever is greater

	Community center, library, museum, or art gallery	Ten spaces per use	Plus, one additional space for each 300 square feet of floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the floor area and additional parking provided on the basis of one space for each eight seats contained therein
	Kindergartens, day schools, and similar child training and care establishments	One space per employee anticipated at full capacity	Plus, one paved off-street loading and unloading space
	Recreation center	One space per 300 square feet of floor area	
	School; elementary	One per each ten seats in auditorium	Or one per each classroom, whichever is greater
	School; secondary or college	One space ~~per~~ for each eight seats in auditorium	Or six per classroom whichever is greater
	Theater, schools, sports arena, stadium, gymnasium or auditorium	One space for each six seats or one for each six feet of bench ~~space~~ seating	
Health services:			
	Animal Hospital	Four spaces ~~per use~~ minimum	Plus, one additional space for each 400 square feet of floor area
	~~Sanitarium, convalescent home, home for the aged~~ Assisted living, nursing home and retirement facilities	One space per each six certified beds or 3 units, whichever is greater	
	Hospital	One space per employee on the largest shift, ~~Four per use minimum.~~	Plus, one additional space for each ~~300 square feet of floor area in excess of 3,000 square feet~~ bed or examination

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			room, whichever is applicable
	Medical or dental office (full)	1 space per 250 square feet of floor area.	Facilities over 20,000 square feet shall use the parking standards set forth for hospitals
Residential:			
	Dwellings, including single-family, two-family, three and four-family~~, and multiple-family~~	~~2~~ Two paved off-street spaces per each dwelling unit	
	Multi-Family	1.5 spaces per dwelling unit	
Retail, commercial, industrial:			
	Business or professional office, studio, bank, savings and loan, medical or dental clinic or similar institution	Five ~~per~~ spaces minimum	Plus, one additional space for each ~~200~~ 350 square feet of floor area in excess of 500 square feet
	Bar or club		1 parking space for each 75 square feet of gross floor area
	Beauty salon or barber shop	Five ~~per~~ spaces minimum	Plus, one additional space for each ~~200~~ 350 square feet of floor area in excess of 500 square feet
	Air B and B, Bed and breakfast type facility	One space per guestroom in addition to the requirements for a normal residential use	
	Bowling alley	~~Five~~ Three-per each alley or lane	
	Private club, ~~lodge,~~ country club or private golf ~~course~~ club	One space per ~~each~~ every five members	Plus, one additional space for each 150 square feet of building floor area
	Flea market	One space for each 500 square feet of site area	
	Fraternity house, sorority house, or dormitory	One parking space for each 2 beds on campus; one space for each 2	

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		beds in off campus projects	
	Furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and service, clothing or shoe repair or service shop	Two spaces ~~per use~~ minimum	Plus, one additional parking space for each 300 square feet of floor area over 1,000 square feet
	Gas station	One space per 250 square feet of gross floor area.	Adequate space shall be provided for waiting, stacking, and maneuvering automobiles for refueling
	Health club or exercise gym	One space per 250 square feet of exercise area	
	Hotel-Motel	One space ~~per~~ for each one sleeping room or suite	Plus, one additional space for each 200 square feet of commercial area contained therein
	Lodge or fraternal organization	One space per ~~each~~ every five members	or one space per 200 square feet of floor area, whichever is greater
	Manufacturing or industrial establishment, research or testing ~~shop~~, laboratory, creamery, bottling plant or similar use, warehouse, printing or plumbing shop, or similar ~~use~~ establishment	One per each two employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith, but not less than one parking space for each 1,250 square feet of floor area	~~Not less than space for each~~
	Mini-warehouse (Self Storage)	Four spaces per complex	Plus, one additional space per 300 square feet of rental office
	Mobile home park	Two paved spaces for each mobile home	Plus, additional spaces as required herein for accessory uses
	Mortuary or funeral home	One for each 50 square feet of floor ~~area~~ space	

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		in parlors or individual funeral service rooms	
	Motor vehicle salesroom and used car lots	One per each 800 square feet of lot area or each 500 square feet of the building structure, whichever is greater.	These required spaces may not be used to store or display automobiles for sale
	Motor vehicle service and repair	Three spaces plus one space per service bay.	Adequate storage space for overnight stay of vehicles also required where applicable. Adequate stacking lanes also required where applicable
	Motor vehicle wash station (car wash self-serve)	One space per 500 square feet of gross floor area	
	Office	Five space-minimum	Plus, one additional space for each 250 square feet of floor area in excess of 500 square feet one
	Personal service establishment, except as otherwise specified herein	Five space-minimum	Plus, one additional space for each 250 square feet of floor area in excess of 500 square feet one
	Commercial Refueling station	One space per 250 square feet of gross floor area.	Adequate space shall be provided for waiting, stacking, and maneuvering vehicles for refueling
	Restaurant, nightclub, cafe or similar ~~use~~ dining establishment	~~A minimum of 3 available for customer service and or use, whether for seating, standing, or waiting~~ One space for each 75 square feet of gross floor area for standalone buildings	~~Plus, one for each 100 square feet~~ Outdoor seating/dining areas will be included in gross floor area calculations

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		without a drive-through, and one space for each 100 square feet of gross floor area for restaurants located within a multi-tenant building and for standalone buildings with a drive-through	
	Retail store or personal service establishment	One space per 250 square feet of gross floor area	
	Tourist home, cabin or motel Rooming or boarding house	One space ~~per~~ for each sleeping room or suite	
	Truck stops	One truck parking space for each 10,000 square feet of site area, plus one vehicle parking space per 200 square feet of building area	
	Warehouse, wholesale, mini manufacturing and other industrial type uses	One space per 1,000 square feet of gross floor area, or one space per maximum number of employees on a shift, whichever is less	

(b) *Rules for computing number of parking spaces.* In computing the number of parking spaces required for each of the uses in table XVIII, the following rules shall govern:

(1) Floor area shall mean the gross floor area of the specific use.

(2) Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.

(3) The parking space requirement for a use not specifically mentioned in this division shall be the same as required for a use of similar nature.

(4) Whenever a building or use constructed or established after the effective date of the ordinance from which this section was derived is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create

a need for an increase of ten percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

(5) Whenever a building or use existing prior to the effective date of the ordinance from which this section was derived is enlarged to the extent of 50 percent or more in floor area or in the area used, such building or use shall then, and thereafter, comply with the parking requirements set forth in this division.

(6) The parking requirements in this section do not limit special requirements which may be imposed in connection with special permits.

(7) In case of mixed uses, the parking spaces required shall equal the sum of requirements of the various uses computed separately.

Sec. 78-352. - Location and joint use of parking.

(a) All parking spaces required in this division shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located and maintained not to exceed 300 feet from the building served.

(b) Up to 50 percent of the parking spaces required for public auditoriums and up to 100 percent of the parking spaces required for a church auditorium may be provided and used jointly by banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as public or church auditoriums; provided, however, that written agreement thereby ensuring retention for such purpose shall be properly drawn and executed by the parties concerned, approved as to form by the city attorney,

Sec. 78-353. - Design standards.

(a) *Parking spaces.* An off-street parking space is a paved surface not in a street or alley and having an area of not less than 180 square feet, with a minimum dimension of nine by 20 feet, exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by paved driveway which affords unobstructed ingress and egress to each space. On properties one acre or larger, all-weather driveways may be unpaved.

(b) *Screening.* Screening in the form of a solid fence or landscaping shall be required to protect neighboring residences from all commercial establishments or required parking lots. The area between the property line and the fence must be incorporated into the overall landscaping of the property, including sufficient landscaping screening materials to mitigate the visual impacts. ~~Screening in the form of a solid fence or landscaping shall be required to protect neighboring residences from all commercial or required parking lots containing ten or more spaces.~~

(c) *Aisle widths.* Minimum aisle widths shall be provided in accordance with the angle of parking they serve:

(1) Thirty-degree parking, 12 feet;

(2) Forty-five degree parking, 14 feet;

(3) Sixty-degree parking, 20 feet; and

(4) Ninety-degree parking, 24 feet.

(d) *Marking of spaces.* All parking spaces shall be legibly marked on the pavement and properly maintained.

(e) *Barriers.* A parking lot shall be designed to physically prevent any portion of a vehicle from encroaching into or overhanging any public or private property line by means of a permanently installed curb, wall, or other such physical barrier.

Sec. 78-354. - Loading space requirements.

Every building or part thereof erected or occupied for retail business service, manufacturing, storage, warehousing, hotel, mortuary, or any other use similarly involving the receipt or distribution by vehicles of materials or merchandise shall provide and maintain on the same premises loading space in accordance with the following requirements:

(1) In a C-2 general commercial district one loading space shall be allotted for the first 5,000 to 15,000 square feet of floor area in the building and one additional loading space for each additional 15,000 square feet or fraction thereof.

(2) In an Industrial district one loading space shall be allotted for each 10,000 square feet or fraction thereof, of floor area in the building.

(3) Each required loading space shall have a minimum size of ten (10) feet by Twenty-five (25) feet.

~~**Secs. 78-355 78-360—78-399. - Reserved.**~~

Sec. 78-355 – Bicycle Parking Exchange

At the City's discretion, a maximum of one required parking space may be exchanged for ten (10) bicycle spaces. Bicycle spaces shall be located on a bike rack furnished by the owner.

Sec. 78-356 – Drive-Through Stacking Requirements

a. **Purpose,** these regulations are intended to ensure that an adequate amount of space is allocated for on-site maneuvering and circulation, that vehicles in a queue for service do not impede traffic on abutting streets, and that stacking lanes will not have nuisance impacts on nearby residential uses.

b. Applicability

1. The regulations of this section apply to all uses that include drive-through facilities and to all portions of a development that comprise the drive-through facility.

2. The regulations apply to new developments, the addition of drive-through facilities to existing developments, and the relocation of existing drive-through facilities.

3. Any use in any district that has drive-through lanes and windows must provide sufficient space on site for vehicles to queue while customers are being served, placing an order, or waiting to place an order or to receive service.

c. Parts of a Drive-Through Facility

A drive-through facility is composed of two parts:

1. The stacking lanes, the space occupied by vehicles queuing for the service to be provided; and

2. The service area, where the first point of service occurs. The following activities are considered points of service: menu boards, service windows, gas pumps, air compressors, vacuum cleaner stations.

d. Setbacks and Landscaping

1. Service points and stacking lanes on lots abutting residential R-1, R-2, R-3, and M-, zoning districts must be set back at least 80 feet.

2. Service points and stacking lanes on lots abutting office and mixed-use zoning districts must be set back at least 30 feet.

3. If the service points and stacking lanes are within 50 feet of and visible from the roadway, they must be set back at least 20 feet from the right-of-way.

e. Exceptions

A stacking lane is not required for accessory facilities where vehicles do not routinely stack up while waiting for the service. Examples are window washing, air compressor, and vacuum cleaning stations.

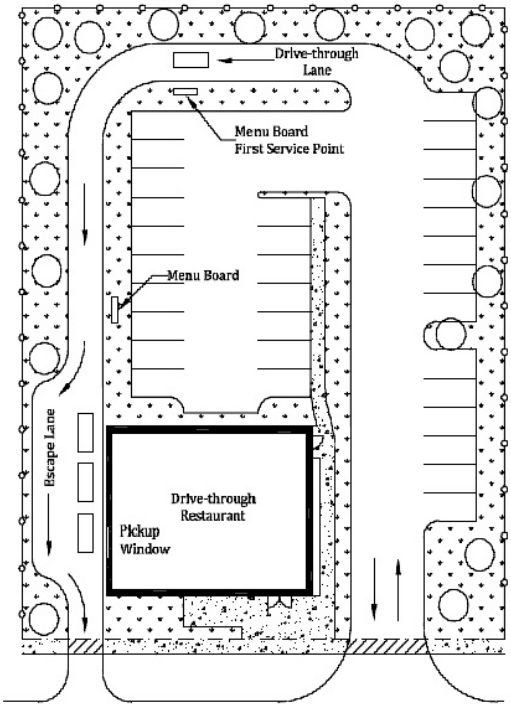
f. Site Plan Required

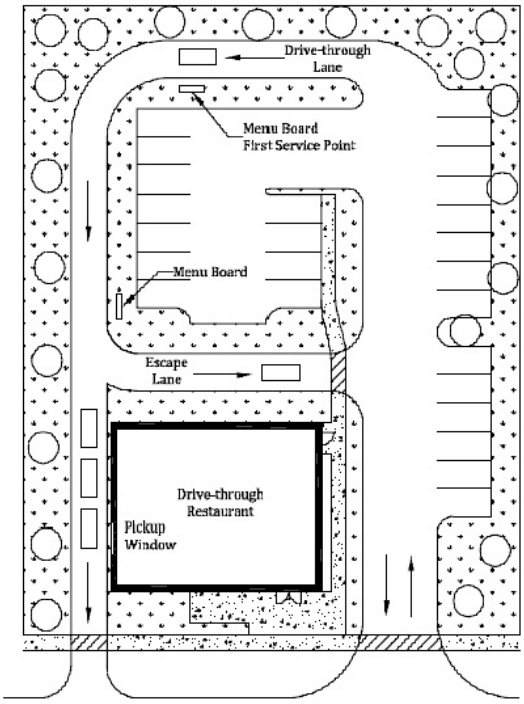
The development site plan must show the location and dimensions of the following:

1. Driveways;
2. Stacking lane, including lane markings;
3. Drive aisle between stacking land and on-site parking areas;
4. Service points (including menu boards and service windows);
5. Associated facilities (including communications systems and access aisles);
6. Adjacent residential uses.

g. Stacking Lane Design and Layout

1. Stacking lanes must be designed so that they do not interfere with on-site parking and vehicle circulation.
2. Stacking spaces must be nine feet wide by 20 feet long.
3. All stacking lanes must be clearly identified, through such means as striping, landscaping, pavement design, and signs.
4. Stacking starts at the first stopping point.
5. Layout must provide for a minimum nine feet wide escape lane allowing motorists to exit the stacking lane before reaching the drive-thru window.





Example Layouts

6. Stacking spaces necessary for the provisions of drive-through lanes shall be determined using the following table:

Table 78-357 – Required Stacking Spaces

Type of Facility	*Inbound Vehicles*	*Outbound Vehicles*
Type of Facility	*Inbound Vehicles*	*Outbound Vehicles*
Drive-in bank	2 spaces per service position	1 space per service position
Drive-in beverage, food sales/pharmacies	4 spaces per service position	1 space per service position
Laundry / Cleaners	3 spaces per service position	1 space per service position
Attendant car wash	10 spaces per service to wash line	6 spaces between end of wash stall and other circulation lane
Automatic car wash	3 spaces per service position	1 space per service position
Automatic car wash as an accessory use	2 spaces per service position	1 space per service position
Service station	4 spaces per aisle	1 space per aisle
Gatehouse (residential)	<50 lots = one space per ten lots; > 50 lots = five spaces	1 space

a. Noise

Speakers associated with drive-through facilities may not be audible from abutting residential zones or any abutting lots occupied by residential uses. Sound attenuation walls, landscaping or

other buffering measures may be required to ensure that the facility will not have adverse noise-related impacts on nearby residential uses.

b. Interpretation and Appeal

If questions of interpretation or the application of the requirements of this division to a particular land use or occupancy of a structure arise, the Building Official in coordination with the development services Director of Infrastructure must, based on findings of fact, make a determination of the off-street parking, loading, or access requirements. A property owner if not satisfied with the Building Officials determination, may appeal such determination to the zoning board of adjustment under the variance procedure.

Sec. 78-358 – RESIDENTIAL PARKING PROVISIONS:

(a) Required parking shall be provided on the same lot as the use it is to serve.

(b) All required parking spaces shall be concrete, asphalt, or other material approved by the Building Official prior to construction.

(c) No required parking space shall be used for the storage of any vehicle of one and one half (1.5) ton capacity or more, nor a vehicle which has an overall length of more than twenty-two feet (22'), nor a trailer of more than one and one-half (1.5) ton capacity, except while engaging in the actual loading or unloading of passengers or property.

(d) Direct private residential driveway access to arterial streets creates a traffic hazard. No development plan or plat creating lots which require direct residential driveway access to an arterial street (as shown in current master transportation plan) shall be approved.

(e) When a property abuts a residential and collector/arterial, the driveway shall be located on the residential street.

Sec. 78-359 – NONRESIDENTIAL AND MULTI-FAMILY PARKING PROVISIONS:

(a) To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties.

(b) All required parking spaces shall be constructed from asphalt, paved concrete, or another similar surface approved by the Building Official, prior to construction. Parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Nonpermanent markings, such as paint, shall be regularly maintained to ensure continuous identification.

(c) All parking and loading spaces and vehicle sales areas on private property shall have a curb or vehicle stopping device for spaces adjacent to required landscaped areas, public right of way line, public sidewalk, or other accessible path, to prevent any parked vehicle from overhanging into these areas. Parking shall not be permitted to encroach upon the public right of way in any

case. All vehicle maneuvering shall take place on site. No public right of way shall be used for backing or maneuvering into or out of a parking space.

(d) Required parking and loading spaces shall be used only for these respective purposes and not for the storage or permanent display of boats, trailers, campers, motor vehicles or other goods, materials, or products for sale.

(e) Refuse storage facilities placed in a parking lot shall not be located within a designated parking or loading space. Each refuse facility shall be located to facilitate pick up by refuse collection agencies and shall be screened according to the provisions in this title.

(f) Disabled parking space(s) shall conform to the current ADA standards for accessible design as amended.

Secs. 78-360—78-399. Reserved.

DIVISION 43. SIGN REGULATIONS

Sec. 78-400. – General regulations governing signs.

No sign which is expressly prohibited, or which is not specifically described and allowed by this chapter (an allowable sign) shall be installed, and no sign shall be installed, except in compliance with this chapter. This division does not regulate signs located inside buildings except where it is expressly and specifically stated otherwise. Allowable signs are of two (2) general categories, signs requiring issuance of a sign permit before installation, permitted signs, and those which may be installed without a sign permit.

1. Temporary signs shall comply with the requirements of this code for maximum height, maximum allowable area, maximum number of signs, minimum spacing and setback requirements, and are subject to time or event restrictions.

2. Permanent signs shall comply with the requirements of this code for maximum height, maximum allowable area, maximum number of signs, and minimum spacing and setback requirements.

3. All permanent signs located in the central business district shall comply with the requirements of this code for maximum height, maximum allowable area, maximum number of signs, and minimum spacing and setback requirements.

4. Illuminated signs require a licensed electrical contractor and electrical permit to be filed with the development services department. All illuminated signs shall meet the requirements of the Underwriters Laboratory and the city electrical code.

5. No sign shall be erected, relocated, or maintained in a manner that prevents free ingress or egress from any door, window or fire escape.

6. No sign shall be attached to a standpipe or fire escape except official signs.

7. Any sign erected or maintained within five feet of the public rights-of-way shall be smooth and free of protruding objects, nails, tacks, and wires, etc.

8. Gooseneck reflectors and lights are permitted on freestanding and wall signs provided lighting or glare does not extend beyond the property line.

9. Permanent signs of eight feet in height or less shall be monument type.

10. Attached permanent signs and freestanding signs shall be designed to resist wind load and to receive dead load as required by the city building code. A structural engineer's seal may be required.

11. The structural elements of permanent signs shall be constructed of materials that are noncombustible and may be supported by noncombustible materials only and finished in a presentable manner. Wood or unpainted steel supports are prohibited.

12. Electronic message board signs are only allowed in the following locations:

a. As an attached (wall) sign located on the primary structure; provided, however:

i. Only one electronic message board sign is allowed on each primary structure; and

ii. Electronic message boards are prohibited on canopies and accessory structures.

b. On a freestanding sign (pole or monument).

c. As a window sign.

Sec. 78-401. - Definitions.

~~(a)~~ For the purpose of this division, certain abbreviations, terms, phrases, words, and their derivatives, shall be construed as set forth in this chapter or the section to which they are unique.

~~(b)~~ Words used in the present tense include the future. Words in the masculine gender include the feminine and neuter. The singular number includes the plural, and the plural number includes the singular.

~~(c)~~ Words not defined herein shall have the meanings stated in the standard building codes. Words not defined in the standard codes shall have the meanings in Webster's Ninth New Collegiate Dictionary, as revised.

Animation means a copy or other images that flash or move.

Copy means letters, characters, illustrations, logos, graphics, symbols, writing or any combination thereof, designed to communicate information of any kind, or to advertise, announce or identify a person, entity, business, business product, or to advertise the sale, rental, or lease of premises.

Copy area means the area of the sign containing any copy, including the area between separate lines of text and the area between text and any symbol, sign, logo or graphic.

Façade means any separate face of a building, including parapet walls and omitted wall lines, or any part of a building which encloses or covers usable space. Where separate faces are oriented in the same direction or in directions within 45 degrees of one another, they are to be considered as part of a single facade.

Luminescent gaseous tubing means exposed tubes used in or as signs which contain inert gases, including, but not limited to, neon, argon, and krypton.

Owner means the owner of the sign, land or structure, or person responsible for erecting, altering, replacing, relocating, or repairing the sign or structure.

~~*(d)*~~ *Shopping area.* A building or structure with two (2) or more stores or shops of a business occupancy.

Sign means any medium, including its structure and component parts, including a name, identification, description, display and/or illustration, beacon, light, insignia which is affixed, directly or indirectly to or upon any building, structure, or vehicle, or erected inside a building or vehicle and visible from the exterior of the building or vehicle, or erected or maintained on any lot or tract of land which directs attention to an object, product, service, place, activity, person, institution, organization or business without regard to the message content or lack thereof.

Sign area means the gross surface area of the sign, including a single surface of a sign with messages on both sides, the sum of all surfaces where two or more signs share a single structure, and the copy area of a monument sign. In the case of an irregularly shaped sign, the sign area is calculated by enclosing the extreme limits of the sign by no more than four rectangles. The sum of the area of the rectangles shall be the gross surface area. The maximum allowable area is reduced by ten percent for the second and each subsequent rectangle used in the calculation.

Base allowable area means the area calculated by measuring the horizontal length of the facade adjacent to a public street of a major building and multiplying by two.

Maximum allowable area means the maximum area of any sign permitted under this Code.

Sign height means the vertical height of a freestanding sign measured from the top of the adjacent curb to the highest point of the sign or its structure.

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Sign setback means the horizontal distance between a sign and the front or side property line, as measured from that part of the sign, including its extremities and supports, nearest any point on an imaginary vertical plane projecting vertically from the front or side property line.

~~(e)~~ *Single business.* A building or structure with only one business occupancy.

~~(f)~~ *Install.* When used in conjunction with the word "sign," means to place, erect or install a sign.

Sign types means signs meeting the following criteria:

Address sign means a sign that displays only the assigned numbers and street name.

Animated sign means any sign which includes action, motion, the optical illusion of action or motion, or color changes of all or any part of the sign or sign facing, through electronic illumination or physical motion, or any sign of which all or any part thereof visibly moves in any fashion whatsoever.

Attached sign means any sign attached to, applied on, or supported by any part of a building enclosing usable space, including walls, roofs, canopies, awnings, or arcades.

Awning sign means a sign that is painted directly on canvas or other material with a framework that creates a sloped shading device for windows and/or entryways.

Banner sign means a single sign or linked grouping of pennants of flexible material (e.g., cloth, paper, vinyl, etc.). Banners will include all flags or pennants that are not national, state, or municipal flags, or the official flag of a public institution.

Beacon (or searchlight) means a source of high-intensity light with one or more beams directed into the atmosphere or any other point; or any light with one or more beams that rotate or move.

Billboard means an off-premises outdoor display panel designed to carry advertising.

Canopy sign means any sign that is an integral part of or is attached above or below a canopy, awning, or other protective cover and include signs hung from the underside of a canopy structure either parallel or perpendicular to the building's facade; signs or letters mounted on the top of the canopy structure; signs on the fascia of canopies such as those used by gasoline stations; and those attached to a roof overhang or porch that is not an integral part of the roof that encloses the interior of a structure.

Changeable copy sign means a freestanding sign, or wall-mounted sign, or part of a larger freestanding sign, usually of secondary importance, describing with manually interchangeable plastic letters and symbols movie listings, lunch specials, welcome greetings, etc. Such a sign type includes bulletin boards and theater marquees. This sign type is distinguished from a message center.

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

Conforming sign means a sign which is lawfully in place on a tract of land which complies with all zoning regulations.

Construction sign means a sign which indicates the names of architects, engineers, landscape architects, contractors, and/or sponsors, etc. having a role or interest with respect to the structure or project.

Directional sign means any sign relating solely to internal pedestrian and vehicular traffic circulation within a complex or project without any form of advertising.

Electronic message board means any sign that uses lights or colors to form a sign message or graphic wherein the message is electronically programmed and can be modified by electronic processes without altering the face or the surface of the sign. These signs shall not be animated, and messages may only be changed once every five minutes.

Flag means fabric containing distinctive colors and patterns that represent an official symbol of a nation, state, school, religious group, or other type of public institution.

Flashing sign means any sign that incorporates the use of a pulsating, blinking, or rotating light source, including a light source that changes or alternates the color of the light in sequence.

Flyer means any advertising circular mounted with glue, nailed, stapled, or otherwise affixed to a pole, fence, wall, or other structure.

For sale, rent, or lease sign means a sign that advertises the availability for sale, rent or lease of a tract of land, a structure, or portions of a structure.

Freestanding sign means any type of sign supported by structures or supports that are placed on or anchored in, the ground; are structurally independent of any building or other structure; and are intended to be permanent, including pole, pylon, and monument signs. Advertising display supported by uprights or braces in or upon the ground; or any forms that are rigidly affixed or attached to the ground, including but not limited to signs placed on benches, gasoline pumps, oil racks, vending machines, etc. are free-standing signs.

Garage sale sign means a temporary sign advertising occasional sale on residential premises.

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Highway sign means a freestanding off-premises sign or billboard located within 660 feet of any state or federal highway right-of-way and visible from the main traveled way requiring an outdoor advertising license from the Texas Department of Transportation.

Identification sign means a sign identifying a complex or group of buildings which does not include the names of individual tenants.

Inflatable sign means any hollow sign expanded or enlarged by the use of air or gas.

Illuminated sign means any sign which has characters, letters, figures, designs or outline illuminated directly or indirectly by electric lights, luminous tubes or other means.

Lamppost sign means a hanging sign attached by metal hinges to a cast iron or cast aluminum tapered and fluted post.

Menu board means an on-site display of menu items at a drive-in or drive-thru restaurant.

Message center means a sign that changes messages electronically with either an alternating light board, flip panels, or such devices. An alternating time and temperature display is considered a message center sign.

Mobile Sign" or "Portable Sign means a sign which is intended to be temporary and portable in nature, capable of being readily relocated from one location to another, and which does not rely on a building or a fixed foundation for its structural support and shall include but not be limited to mobile, movable signs, "A" frame and sandwich board signs.

Mobile Portable Sign means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported by means of wheels, and signs attached to or painted on vehicles parked and visible from the public road allowance, unless said vehicle which is licensed, operable and is used in the normal day-to-day operations of the business.

Model home sign means a sign identifying model homes and model home parks, including sales offices.

Monument sign means a freestanding sign having a low profile, made of stone, concrete, metal, brick, or similar materials designed to complement the architecture of the building or complex, mounted on a solid base.

Multitenant complex sign means a sign with a primary facility name and a list of the individual stores or businesses mounted on one structural element. Such a sign type includes signage describing a mall arrangement, a strip-center development, an industrial park complex, or a multitenant structure or complex of buildings with a unifying name and a listing of businesses contained within the grouping. An identification sign without listing of individual tenants is not a multitenant complex sign. See "Identification sign."

Mural means a work of art applied directly to a wall, ceiling, or floor surface where forms and/or figures are the dominant elements and not intended for commercial advertising. Any form of wording or logo shall be of secondary nature to a mural.

Nameplate means a sign showing only the name and address of the owner or occupant of the premises.

Nonconforming sign means a sign which does not conform to the requirements of the current regulations which, when removed, shall be required to conform to adopted standards.

Occupation sign means a sign showing only the name and occupation of the owner or occupant of the premises.

Obsolete/abandoned sign means a sign that advertises a product or service no longer available or a business no longer in operation; a sign which is illegible, nonfunctional, in disrepair, or hazardous as a result of lack of maintenance; a nonconforming sign structure that has lost legal status as a result of abandonment or lack of use.

Official sign means a sign erected by a governmental agency within its territorial jurisdiction for the purpose of carrying out an official duty or responsibility and including, but not limited to, traffic signs and signals, zoning signs, and street signs. Special lighting or banners celebrating seasonal or civic events sponsored and/or endorsed by the city council may be official signs.

Off-premises sign means a sign displaying copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

On-premises sign means a sign which advertises or directs attention to a business, person, organization, activity, event, place, service, or product which is manufactured and/or available on the premises where the sign is located.

Permanent sign means an attached or detached sign placed in a fixed location or affixed to a permanent structure of a maximum height and area described in this code.

Pole sign means a sign mounted on a pole(s).

Political sign means a temporary sign pertaining to a national, state, or local election and erected for the sole purpose of advertising a political candidate, political party, or ballot measure.

Portable sign means a sign not permanently attached or affixed to the ground or other permanent structure, or a sign designed to be transported or moved from place to place, including, but not be limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich boards; balloons or any other inflatable forms; umbrellas used for advertising; statues or figures situated on a trailer; or vehicular signs.

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Projecting sign means any sign affixed to a building or wall in such a manner that its leading edge extends more than 12 inches beyond the surface of the building or wall.

Protective sign means a sign intended to safeguard the premises, including, but not limited to, "No Parking," "No Trespassing," "Bad Dog," "No Dumping," "No Solicitors" and the like.

Roof sign means an advertising display that is erected, constructed, or mounted on the roof of a structure which encloses the interior space. Signs mounted on an overhang or covering of an entryway or porch are considered canopy signs.

Seasonal decoration means special lighting or banners celebrating seasonal events or holidays.

Security sign means a sign which identifies emergency telephone numbers, hours, and security information.

Sign barrier means something material that blocks or is intended to block passage.

Special events sign means signs, banners, pennants, or lights as may be authorized for special events.

Subdivision entrance sign means a sign identifying the name of a subdivision without any other information.

Street sign means a sign or signs located at the intersection of a public street.

Temporary sign means a sign which is to be removed within a specified period of time or upon the occurrence of a specified event, meeting the height and area requirements of Table 7.22.

Traffic sign means a sign required to provide for the safety of the traveling public which is placed in accord with the Manual on Uniform Traffic Control Devices (MUTCD).

Vehicular sign means a sign attached to or upon any vehicle where that vehicle is parked within 20 feet of the edge of a parking lot adjacent to the public right-of-way and contains arrows, directional information or promotional advertising relating to a business.

V-shaped sign means a freestanding sign constructed of two panels in the form of a V when seen from above, with a maximum angle between the panels of 45 degrees.

Wall sign means an attached display affixed to a wall or structure that does not project more than 12 inches from the building. See "Attached sign."

Window display sign means a sign that is applied to or attached to the exterior or interior of a transparent window or glass door.

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Visibility triangle means the area within a right angle formed by extending the curb lines of intersecting streets from the point of intersection for a distance of 45 feet to the hypotenuse, or for streets intersecting a driveway or alley for a distance of 20 feet to the hypotenuse.

Sec. 78-402. - Permitted sign types.

The following sign types must be properly permitted by the building official before installation:

(1) *Building sign (A):* A sign(s) placed flat against the building, not projecting above the roof line, and referring to a business located within the building to which the sign is attached. The total area of all signs shall not exceed a size larger than an area equal to one square foot for each lineal foot of frontage of the building to which the sign is attached or 50 square feet, whichever is smaller.

(2) *Building sign (B):* A sign(s) placed flat against the building and not projecting above the roof line, and referring to a business located within the building to which the sign is attached. The total area of all signs shall not exceed a size larger than an area equal to three square feet for each lineal foot of frontage of the building to which the sign is attached, or 200 square feet, whichever is smaller. In the case of a building occupied by more than one business, each tenant's frontage shall be treated as a separate building.

(3) *Freestanding sign (A):* A permanently constructed sign, installed in the ground and located on the same lot as the business establishment to which it refers. The total sign area shall not exceed a size larger than two square feet for each lineal foot of frontage of the lot (platted street frontage) or 225 square feet, whichever is smaller, and not to exceed 25 feet in height. A business with retail gasoline sales, or a single business or a shopping area with 10,000 or more square feet of floor area is permitted to have a second freestanding signs. A single business or a shopping area with over 20,000 square feet of floor area is permitted to have a third freestanding sign. The total sign area of the second and third freestanding signs, shall not exceed a size larger than two square feet for each lineal foot of frontage of the lot (platted street frontage) or 225 square feet, whichever is smaller, and not to exceed 25 feet in height.

(4) *Freestanding sign (B):* (Such signs shall be for use only by churches, country clubs, public buildings, philanthropic institutions.) A permanently constructed signs supported by the ground or by supports extending from the ground, not attached to a building, and located on the same lot as the establishment to which it refers. The intensity of any direct or indirect lighting, whether internal or external, shall not exceed 50 foot-candles measured at the face of the sign. External lighting shall be directed specifically at the sign. Total area of the sign shall not exceed one square foot for each three feet of property's street frontage or 32 square feet, whichever is smaller. Maximum height, including base and supports, shall not exceed eight feet, whichever is smaller. Maximum height, including base and supports, shall not exceed eight feet, but a maximum height of six feet is recommended and preferred. Number of signs shall be limited to one per property. Placement of sign shall be a minimum distance of 25 feet from adjacent side

property line and shall not negatively affect the vision of traffic at entrance or exit to property.

Sign area means the gross surface area of the sign, including a single surface of a sign with messages on both sides, the sum of all surfaces where two or more signs share a single structure, and the copy area of a monument sign. In the case of an irregularly shaped sign, the sign area is calculated by enclosing the extreme limits of the sign by no more than four rectangles. The sum of the area of the rectangles shall be the gross surface area. The maximum allowable area is reduced by ten percent for the second and each subsequent rectangle used in the calculation.

(5) *Mobile portable sign:* A temporary sign with a 30-day time limit with one 30-day extension and a 90-day interval from the expiration of the original or the extended permit to the next application. One sign, which area shall not exceed 15 square feet and must be anchored down so it will, at all times, withstand a wind load of ~~105~~ 147 miles per hour in any direction. A newly opened business can have an extra 30 days, free of any additional charge. Mobile portable sign applies also to signs placed on or in motor vehicles or trailers visible from any public right-of-way.

Mobile Sign" or "Portable Sign means a sign which is intended to be temporary and portable in nature, capable of being readily relocated from one location to another, and which does not rely on a building or a fixed foundation for its structural support and shall include but not be limited to mobile, movable signs, "A" frame and sandwich board signs. Or Mobile Portable Sign means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported by means of wheels, and signs attached to or painted on vehicles parked and visible from the public road allowance, unless said vehicle which is licensed, operable and is used in the normal day-to-day operations of the business.

(6) *Portable freestanding sign:* A sign not exceeding 15 square feet per side, displayed only during business hours and placed not so as to create a sign barrier.

(7) *Banner signs and streamers, etc.*

a. Banners of lightweight fabric or similar material that are mounted to a pole or building by a tie or physical attachment at one or more edges are allowed with a permit as follows: the total cumulative area in square footage for all banners shall be computed at 20 square feet of area per 50 feet of building frontage to a maximum of 80 square feet per business. Permits for banners shall expire 30 days after date of issuance with one 30-day extension and a 90-day interval from the expiration of the original or the extended permit to the next application.

b. Streamers, pennants, and similar attention getting devices that are made of lightweight plastic, fabric or other material whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, accumulatively occupying no more than ten square feet per front foot of the property, that are designed to move in

the wind, may be displayed by a business so long as a minimum of 15 feet clearance is provided over driveways and places where vehicular traffic are encountered, and provided that no obstruction of view is encountered by motorists or pedestrians. Separate permits are required for streamers, pennants, etc., and shall expire after 30 days from date of issuance with one 30-day extension and a 90-day interval from the expiration of the original or the extended permit to the next application.

Banners and streamers, etc., for newly opened businesses can have an extra 30 days free of an additional charge and shall be subject to the maintenance provisions of section ~~78-410,~~78-415, sign maintenance.

(8) *Electronic message boards:* Electronic message board signs are allowed in addition to and on the same support structure as a "Freestanding Sign - B" sign. The maximum size shall be no larger than 40 square feet for signs within the Highways 1069, 361, and 2725 corridor, and no larger than 24 square feet for all other allowed areas. Maximum sign heights shall be in accordance with required height regulations applicable to all signs. Electronic messages shall appear and remain for a period of no less than six seconds, whereas such message shall either scroll off the display rapidly or immediately be replaced by another message or symbol. Such electronic message board signs shall not be allowed as a wall sign.

(9) *Reserved.*

(10) Corridor Zone – Businesses located on lots adjoining Highway 1069, or Highway 361, or FM 2725

~~(10)~~ *Corridor sign A:* Businesses located on lots adjoining Highway 1069, or Highway 361, or FM 2725 are in the "Corridor Zone" ~~and~~ may have a corridor sign A in place of a freestanding sign A (but not in addition to a freestanding sign A) as follows:

(a) a permanently constructed sign, installed in the ground and located on the same lot as the business establishment to which it refers. The total sign area shall not exceed a size larger than two square feet for each lineal foot of frontage of the lot (platted street frontage) or 225 square feet, whichever is smaller, and not to exceed 45 feet in height.

(b) A business with retail gasoline sales, or a single business or a shopping area with 10,000 or more square feet of floor area is permitted to have a second corridor (freestanding) sign.

(c) A single business or a shopping area as above described with over 20,000 square feet of floor area is permitted to have a third corridor (freestanding) sign. The total sign area of the second and third corridor (freestanding) signs shall not exceed a size larger than two square feet for each lineal foot of frontage of the lot (platted street frontage) or 225 square feet, whichever is smaller, and not to exceed 30 feet in height.

(11) *Menu boards:* Establishments with drive-through service are permitted one menu board sign per lot, limited to 36 square feet in area and six feet in height.

(12) *Gasoline price signs.* Gasoline pricing signs are exempt from zoning regulations, provided the total area of all signs does not exceed 12 square feet in area for each service island.

~~(13) *Off-premises signs:* Each business is allowed two off-premises signs to advertise their business. These signs shall not exceed 32 square feet in size or a height of 15 feet. These signs can be placed in any zoning district provided the land on which they are placed is undeveloped. The permits for these signs will be reviewed every six months at which time, if the property is developed, the signs must be removed. Only one sign per piece of property will be allowed.~~

Sec. 78-403. -Enforcement.

The city building official shall cause all signs for which permits have been issued and regulated by this article to be inspected from time to time for compliance with this article. In case of noncompliance, the city building official shall notify the permit holder to correct the condition within ten days. In the event of failure, or the refusal of the permit holder to comply as ordered, the city building official shall revoke the permit. However, upon a showing of hardship or other circumstances warranting such action, the city building official shall have the authority to grant an extension not to exceed 30 days to make the correction or to finish the sign.

Sec. 78-404. - Appeals.

Whenever the city building official shall refuse to grant any permit authorized under this article, or shall issue an order requiring compliance with this article, or revoke a permit issued under this article, the person aggrieved shall have the right to appeal to the board of adjustment created pursuant to Charter §§ 10.05 and 10.06, as provided in the zoning regulations, chapter 78 of this Code.

Sec. 78-405. - Sign permit required.

Except as otherwise provided, it shall be unlawful for any person to erect, alter, or relocate within the city any sign without first obtaining a sign permit from the chief building official. The permit may cover more than one sign but shall apply to only one applicant and one location. Applications for sign permits shall contain or have attached thereto the following information:

1. Name, address, and telephone number of owner(s) of the land or structure where the sign is to be constructed, erected, or placed.

2. Name, address, and telephone number of the person responsible for erecting, altering, replacing, relocating, or repairing the sign or structure.

3. Location of building, structure, or lot to which or upon which the sign is to be constructed, attached erected, or placed.

4. Position of the sign in relation to nearby buildings or structures, including other signs.

5. Two blueprints or ink drawings of the plans and specifications, including electrical wiring and the method of construction and attachment to the building or in the ground.

6. Copy of the stress sheets and calculations showing the structure is designed for dead load and wind pressure.

7. The zoning classification of the property on which the sign is to be or is located and the zoning classification of all property within 250 feet.

8. Advertising copy for the proposed sign face.

9. Highway signs require the submission of a copy of the state permit prior to issuance of the city permit.

10. The location of overhead utilities and the acknowledgement of any private utility company concerning vertical and horizontal clearance requirements at the location proposed.

11. Such other information as the chief building official may require, including certification by a registered professional engineer if deemed necessary to ensure compliance with the structural requirements.

Sec. 78-406. - Issuance and term of sign permit.

The building official shall examine all applications for sign permits and examine plans, specifications, other data, and the premises upon which it is proposed to erect or repair any sign and shall issue a sign permit if the sign meets all requirements of the city.

Whenever any work for which a permit is required has commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued. An investigation fee in addition to the permit fee may be collected at such time as a permit is issued. The investigation fee shall be an additional fee equal to the amount of the permit fee.

Sec. 78-~~403~~ 07 - Permitted signs—Design standard.

Permitted signs shall be designed and constructed in accordance with the latest adopted edition of the ~~Standard~~ International Building Code and the National Electrical Code.

Sec. 78-~~404~~ 08. - Sign permit fee.

A permit fee, established by city council resolution and set forth in appendix A, Ingleside City Code, shall be paid when application is made for a sign permit, and no sign permit may be issued until said fee has been paid.

Sec. 78-~~405~~ 09. - Permitted sign types allowed in zoning districts.

Permitted sign types are allowed in zoning districts in accordance with the following chart:

SIGN	AG	R-1F	R-1R	R-1E	R-2	R-3	M	P	Inst.	C-1	C-2	LI	I
Name plates	*	*	*	*	*	*	*	*	*	*	*	*	*
Building sign (A)						*	*	*	*				
Building sign (B)										*	*	*	*
Freestanding sign (A)											*	*	*
Freestanding sign (B)							*		*	*			
Mobile portable sign										*	*	*	*
Banners										*	*		
Streamers, pennants, etc.										*	*		
Portable freestanding										*	*	*	*
Billboard											*		
Menu board											*		
Off-premises					*	*	*	*	*	*	*	*	*

Sec. 78-~~406~~ 10.- Exempt sign types.

The following signs are exempt from permit procedures and may be installed and maintained in compliance with all other city ordinances and within the limitations set forth below:

(1) *Public signs:* Noncommercial signs erected by or at the direction of a public officer in furtherance of the public interest in the performance of his public duty.

(2) *Land sales sign:* Non-illuminated, advertising the sale or development of a piece of property or subdivision containing an area of not less than two and one-quarter acres erected upon the property so developed and advertised for sale, provided the size of such sign is not in excess of 32 square feet in size, and eight feet in height, and not more than one such sign is placed per street frontage.

(3) *Real estate sign:* Nonilluminated, not exceeding six square feet in area per face pertaining to the sale or lease of the premises.

(4) *Contractor's sign:* Nonilluminated, advertising the development or improvement of a property by a builder, contractor or other person furnishing service, materials, or labor to said premises during the period of construction, provided the total aggregate of any such sign is not in excess of 32 square feet and eight feet in height.

(5) *Subdivision signs:* Signs advertising any subdivision being developed in the city will be governed by the following:

a. Signs in the model home area and on the subdivision, site shall not exceed a total aggregate of 100 square feet and shall be unlighted.

b. Permanent on-site subdivision ground signs shall be allowed when approved by the city as part of the subdivision construction plans, provided such signs do not exceed 25 square feet in area, and the exposed surface area of the sign structure does not exceed 50 square feet in area. Lighting of such signs shall be restricted to indirect illumination. Decorative screening walls shall not be construed as exposed surface areas under this section.

(6) *Temporary signs:* Temporary signs announcing any public, charitable, educational, or religious event or function may be installed for a period of not more than 21 days prior to event and not more than seven days after the event, with a total sign area of not more than 24 square feet to all sign faces.

(7) *Integral signs:* Names of buildings, dates of erection, monumental citations and commemorative tablets that are carved into stone, concrete or similar permanent materials and constructed as an integral part of a structure.

(8) *Nameplates:* One (1) nonilluminated sign per entrance per business attached to the building and not exceeding two square feet of sign area per face with wording limited to name and occupation. If this sign cannot be viewed from the public right-of-way, the sign may be installed at the entrance to the property that the business is located on.

(9) *Private signs:* Signs not visible beyond the boundaries of the lot or series of contiguous lots under the same ownership on which they are located, and which are not visible from any public right-of-way.

(10) *Traffic signs:* Traffic and other official signs and devices installed by a governmental agency.

(11) *On-site traffic signs:* On-site traffic directional signs that do not exceed four square feet of sign area per face, that do not exceed six feet in height above ground level, and that do not carry any commercial message or identification.

(12) *Garage sale signs:* One garage sale sign not exceeding six square feet of sign area for all sign faces, not to be placed on any public right-of-way, but may be installed on the lot or series of contiguous lots under the same ownership on which the garage sale is located which is installed not more than seven days prior to the garage sale, and which is removed not more than two days after the garage sale.

(13) *Flags, emblems:* An insignia of any governmental ~~body~~ jurisdictions and one flag carrying the emblem of a business firm or other organizations, decorative displays for holidays or public demonstrations that do not contain advertising and are not used as such. Flags shall be flown on permanently mounted flagpoles.

(14) *Political signs:* Signs on private real property that refer to a particular issue or candidate relating to a particular public election. Such signs may be a maximum of 36 square feet not including billboards. Such signs may be erected for not more than 90 continuous days immediately preceding the election, may not be illuminated, may not have any moving elements, and must be removed by the property owner, political candidate, or sponsoring political action committee not more than 72 hours after the election for to which they relate.

(15) Protective signs which may be affixed to walls and fences.

(16) Window display signs that is applied to or attached to the exterior or interior of a transparent window or glass door.

Sec. 78-411. - Banners and grand opening signs.

a. *Banners.* Banners for a single address are limited to a maximum of three banner permits per calendar year, not to run consecutively, and with only one banner per occurrence.

1. shall only be attached to buildings or poles driven into the ground and shall not be affixed to cars, trees, utility poles, fences or accessory structures.

2. Banners should not extend above the roofline or beyond the edges of the building to which it is attached.

b. *Grand opening events.* A permit for grand opening signage is allowed one time only for new businesses. A permit for grand opening signage may include banners, balloons, pennants, and inflatable signs. Grand opening event permits shall be issued within 90 days of the date of opening and shall be limited to 45 days.

c. *Securing signs.* Banners, balloons, pennants, and inflatable signs shall be securely tethered, fastened or affixed to prevent flapping, fluttering, swinging or moving.

Sec. 78-~~407~~ 412. - Prohibited signs.

All signs (including, but not limited to, signs which are visible from public property and located inside a building) which meet any of the following descriptions are hereby prohibited and may not be installed:

(1) Signs containing statements, words or pictures of an obscene, indecent or immoral character, such that they will offend public morals or decency.

(2) Signs that imitate an official traffic sign or signal or that contain the words "stop", "go," "slow," "caution," "danger," "warning," or similar words, in English or any other language.

(3) Signs that are of a size, location, movement, content, coloring, or manner of illumination that may be confused with or construed as a traffic-control device, or that hide from view any traffic or street or signal, or that obstruct the view in any direction at a street or road intersection.

(4) Signs with flashing, moving parts, that move in any fashion, whether mechanically or wind driven, or any other types of movement, blinking, chasing or other intermittent illumination. Illumination of signs shall be constant with either internal lighting or external reflected illumination. External lighting shall reflect light directly upon said sign and not cause excessive light to distract motorist, pedestrians or residents. Excepted from this list of prohibited signs is any electronic message board which otherwise complies with this chapter.

(5) No sign can be placed in public rights-of-way or in locations obscuring the view of traffic. No sign can be placed in the 20 ~~25~~-foot traffic sign triangle, if the sign or sign post is more than 18 inches wide at a point below eight feet. When calculating the area of a two-sided sign, only one face shall be counted.

(6) Any sign which is not specifically described and allowed by this chapter.

(7) Billboards, i.e., a permanently constructed sign, installed in the ground, not located on the same lot as the business establishment to which it refers and exceeding 32 square feet in area or 15 feet in height.

(8) Off-premises signs, except as specifically allowed by this Code.

(9) Any sign erected or affixed within or projecting over any public right-of-way except official signs, special events signs authorized by the city council or subdivision entrance signs. No person shall locate, place or attach any sign, paper or other material, to a tree, tower, public utility pole or structure, public building, street light, public fence, public right-of-way, fire hydrant, bridge, park bench, or public structure, or public property, or paint, stencil or write on, or otherwise mark on any sidewalk, curb, gutter, street, tree, tower, public utility pole or structure, public building, street light, public fence, public right-of-way, fire hydrant, bridge, park bench, or public structure, or public property, except such signs as allowed by this chapter, as amended. Any sign placed on public property, or public right-of-way may be removed without prior notice.

(10) All roof mounted signs

(11) Any flyers attached, affixed, stapled, or glued to a pole, fence, wall or other structure.

(12) Any obsolete/abandoned sign.

Sec. 78-413. - Attached (wall or canopy) signs.

(a) Attached signs shall not extend above roof or parapet wall.

(b) Copy painted, stenciled, affixed, or otherwise applied to any awning shall be included in the calculation of maximum allowable copy area.

(c) Canopy signs in any zoning district shall be installed so that the lowest edge is not less than nine feet above the sidewalk. Canopy signs shall be included in the calculation of maximum allowable copy area.

Sec. 78-~~408~~ 14. – Existing ~~N~~ nonconforming signs.

(a) Signs legally existing at the time of the effective date of this division and in compliance with the then-current ordinance and not in compliance herewith shall be regarded as nonconforming signs, which may continue to exist until structurally altered, removed, destroyed as an act of god, or until the business that they are advertising is no longer in existence. Nonconforming signs that are structurally altered, relocated or replaced shall comply immediately with all provisions of this chapter.

(b) Any nonconforming sign that has been damaged by fire, wind, or other cause in excess of 50 percent of its replacement cost shall not be restored except in conformance with the provisions of this division.

(c) Notwithstanding other provisions of this section, any sign, or signs for which a permit has been issued by the city shall be permitted to remain at the location or locations authorized by the permit for as long as the permit is valid, and all the requirements of the permit have been met.

Sec. 78-~~409~~ 415. - Sign maintenance.

All signs, including those painted on the walls of buildings, shall be permanently maintained in a safe, presentable condition. All signs shall be kept in good repair and, unless galvanized or noncorroding metal or plastic, or treated with appropriate wood preservative, shall be thoroughly painted as often as is necessary, consistent with good maintenance. All braces, bolts, clips, supporting frames and fastenings shall be free from deterioration, termite infestation, rot or loosening.

Sec. 78-~~410~~ 416 - Abandoned signs.

(a) An abandoned sign depicts or refers to a product, business, service, activity, condition, or person that has changed in such a fashion that the sign no longer correctly identifies or describes him or it, that no longer exists at the location referred to in the sign or that no longer exists in any way or at any place.

(b) Abandoned building signs shall be removed or painted out within ninety (90) days of the cessation of such business or sale of such product by the owner, agent or person having the beneficial interest in the building or premises on which such sign is located.

(c) Abandoned freestanding signs shall be removed in accordance with the following provisions:

(1) Sign face(s) shall be removed within 90 days of abandonment. The building official may grant one extension of up to 90 days upon a showing of good cause.

(2) Sign supports shall be removed within 180 days for freestanding sign (A). The building official may grant one extension of up to 90 days upon a showing of a good cause. Freestanding sign (B) shall be removed within 365 days of abandonment. The building official may grant one extension of up to 180 days upon a showing of a good cause.

Sec. 78-417. - Sign nuisances.

The following signs are deemed a public nuisance and may be removed and impounded without prior notice:

1. Any sign erected, constructed, or placed in a manner that constitutes a traffic hazard.

2. Any sign erected in or over any public right-of-way.

3. Any flyer or advertising circular mounted with glue, nailed, stapled, or otherwise affixed to a pole, fence, wall or other structure within the rights-of-way.

4. Any sign placed in public rights-of-way or in locations obscuring the view of traffic.

Sec. 78-418. - Removal of certain signs.

a. The building official shall, without the requirement of notice, order the immediate removal of all signs deemed to be a nuisance under section 78-418.

b. Any existing sign that no longer advertises a bona fide business conducted or product sold on the premises shall be removed by and at the expense of the property owner within 30 days.

c. The copy on a conforming monument sign that no longer advertises a bona fide business conducted or product sold on the premises shall be removed within 30 days.

d. The structure, pole, frame, and copy of a nonconforming sign which no longer advertises a bona fide business conducted or product sold on the premises shall be removed in its entirety or altered to meet the requirements of these regulations within 30 days.

e. The building official shall provide a ten-day written notice to the property owner to cure or correct any sign found to be unsafe, insecure, or a menace to the public. If the owner fails to

cure or correct, the chief building official shall order the sign removed. The costs of removal shall be assessed against the property and a lien filed in San Patricio County, unless payment is tendered within 30 days.

f. The building official shall not process any application nor issue any permit for a sign located on the same premises or for any other premises of an owner in violation of this code.

g. Prohibited signs confiscated by the city will be stored for ten days and may be claimed by owner. Any confiscated sign not claimed within ten days may be destroyed.

Sec. 78-419. - Notice to remove signs.

Except as otherwise provided, in the event the owner fails to comply with the provisions of this section, the building official shall send written notice directing the abatement of any violation, personally, or by serving the owner by certified mail or by publication two times within ten days in the official newspaper of the city if the owner cannot be served personally, or if the owner's address is unknown. If the owner fails to comply with the notice of abatement within ten working days after notice, the sign shall be deemed a nuisance. The building official shall cause the nuisance to be abated and shall charge all costs and expenses incurred therewith to the owner. The expenses assessed for abatement shall be actual removal expenses, but not less than $25.00, plus an administrative fee of $50.00.

Sec. 78-420. - Inspection of signs.

The building official shall inspect permitted signs on an annual basis, or as often as necessary to ascertain compliance with the requirements of this section.

Secs. ~~78-411~~ 21-78-~~449~~ 99. - Reserved.

~~DIVISION 5. CENTRAL BUSINESS DISTRICT~~

~~Sec. 78-450. Defined.~~

~~The Central Business District consists of all property zoned C-1 or C-2 which abuts any of the following areas:~~

~~(a) State Highway 361 from its intersection with the Southern Pacific Railroad line west of Main Street to its intersection with Avenue A east of Main Street a distance of approximately 1.7 miles; and~~

~~(b) Main Street from its intersection with Church Street north of State Highway 361 to its intersection with Eighth Street south of State Highway 361 a distance of approximately 1.1 miles.~~

~~**Sec. 78-451. Regulations.**~~

~~(a) Within the Central Business District all goods for sale, rent or display, construction materials, tools of trade, auto parts, tires, and other similar business related items must be stored within a building, accessory building or opaque fenced enclosure or other visual barrier of the corresponding business in such manner as to hide such items from the view of any person walking or driving a motor vehicle along a public street or right-of-way within said district.~~

~~(b) If a fence or other visual barrier other than a building is to be used, it must be approved by the building official~~

~~(c) Exemptions:~~

~~(1) Automobile dealers and rental companies' inventory of motor vehicles.~~

~~(2) Promotional type sales, such as grand opening sales, sidewalk sales, clearance sales, etc., not to exceed a three-day period and not more than four times annually.~~

~~**Secs. 78-452—78-499. Reserved.**~~

DIVISION 6~~4~~. LIGHTING

Sec. 78-500. - Generally.

Secs. 78-501—78-509. - Reserved.

Sec. 78-510. - Lighting and glare standards.

(a) Lighting limited. Any light fixture shall be operated so as not to produce an obnoxious and intense glare or direct illumination across the bounding property line and shall not be of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property. All lights projecting light to any exterior area shall be made up of a light source and reflector so selected that acting together, the light beam is controlled and not directed across any bounding property line above a height of three feet. ~~(see [section] 78-514 nuisance declared).~~

(b) Lighting that illuminates any outdoor area shall conform to the definition for "full shielded light fixtures" and be designed, arranged and screened so that the point light source shall not be visible from adjoining lots or streets.

Sec. 78-511. - Luminaries.

Light sources shall be of a down-light type, indirect, diffused, or shielded type luminaries installed and maintained so as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets.

Sec. 78-512. - Specific lighting requirements.

(a) Facade and flagpole lighting must be directed only toward the facade or flag and shall not interfere with the night-visibility on nearby thoroughfares or shine directly at any adjacent residential use.

(b) All lighting fixtures incorporated into non-enclosed structures (i.e., gas pump canopies, car washes, etc.) shall be fully recessed into the underside of such structures and shall meet section 78-510 of this division.

~~(c) No flashing lights of any type, except for temporary holiday lighting~~.

~~Sec. 78-513. - Exempt lighting.~~

~~(a) Public recreation facilities lighting used on a temporary or seasonal basis is exempt from the standards of this division;~~

~~(b) Public street lights are exempt except that all replacement lights for any public street light shall be of the "cut-off refractor" lighting type;~~

~~(c) Traffic control lighting is exempt;~~

~~(d) Federal Aviation Administration required lighting for the airport;~~

~~(e) Lighting in swimming pools and other water features governed by Article 680 of the National Electrical Code;~~

~~(f) Exit signs and other illumination required by building codes;~~

~~(g) Lighting for stairs and pedestrian ramps, as required by the building code;~~

~~(h) Signs are regulated by the sign code, but externally lit signs and displays must be shielded so as not to create obtrusive light;~~

~~(i) Low voltage landscape lighting, but such lighting shall be shielded or directed in such a way as to eliminate obtrusive light;~~

~~(j) Low intensity gas lighting in residential areas;~~

~~(k) Low intensity "ambiance" lighting, such as "rope" lighting and frosted globe lighting.~~

Sec. 78- 513 – Lighting Administration.

a. Purpose & Intent. The purpose of this Section is to:

(1) Provide adequate lighting in public spaces to ensure safety.

(2) Reduce the problems created by improperly designed and installed outdoor lighting.

(3) Eliminate problems of glare on operators of motor vehicles, pedestrians, and land uses.

(4) Minimize light trespass and light pollution.

(5) Reduce energy and financial costs of outdoor lighting by establishing regulations that limit the area onto which certain kinds of outdoor lighting fixtures may illuminate.

(6) Preserve the night sky as a natural resource and people's enjoyment of looking at the sky and stars.

b. Enforcement. The Building Official or their designee is hereby empowered and directed to administer and enforce the provisions of this Section relating to outdoor lighting.

c. Applicability.

(1) New uses, buildings & additions. All proposed new land uses or change of uses, developments, buildings, structures, or building additions of thirty percent (30%) or more in terms of additional dwelling units, gross floor area, seating capacity, or other expansion, either with a single addition or cumulative additions subsequent to the effective date of this provision, shall meet the requirements of this Code for the entire property. For all building additions of less than thirty percent (30%) cumulative, the applicant shall only have to meet the requirements of this Code for any new outdoor lighting provided.

(2) Nonconforming use change. Whenever a nonconforming use, structure, or lot is abandoned for a period of 180 consecutive days and then changed to a new use according to the requirements of Section 14.03.601, New and Unlisted Uses of the Zoning Ordinance, then any existing outdoor lighting shall be reviewed and brought into compliance as necessary for the entire building, structure, or premises, to the maximum extent possible as determined by the Building Official.

(3) Prior to code adoption. Exterior lighting luminaries in existence on the effective date of this Ordinance adoption shall be considered "legally nonconforming." Such fixtures may be repaired, maintained and replaced. The nonconforming bulbs within a fixture shall be replaced in conformance with this Section. However, exterior lighting luminaries existing on the effective date of this Ordinance adoption that are located on private non-residentially used property and are found to direct light or glare to residential properties may be declared a public nuisance if the level of illumination on residential property, which is caused by the luminaries, is greater than one-quarter (¼) foot-candle. Such fixtures shall be altered or replaced to reduce the level of illumination on the residential property to a one-quarter (¼) foot-candle within two (2) months of receiving a written notice of the violation from the City.

(4) Fixture abandonment or damage. In the event that an outdoor lighting fixture is abandoned or is damaged to the point of requiring repairs for safe operation, the repaired or replacement fixture shall comply with all the provisions of this Code.

78-.514 – General Requirements.

The following standards shall apply to all exterior lighting except public street lighting and other lighting that is specifically exempted by this Section.

a. Illumination Levels.

(1) Multi-family residential uses should average no more than three (3) footcandles, with a maximum of ten (10) footcandles.
(2) Non-residential uses, including parking lots, should average no more than six (6) footcandles, with a maximum of fifteen (15) footcandles.
(3) Lighting under canopies (such as service stations) and car dealerships shall not exceed forty (40) footcandles. The remainder of the property shall comply with non-residential standards, above.
(4) Each new development shall adequately illuminate all public parking, site entrances, and pedestrian areas, including perimeter sidewalks at all times, even if the primary use is a day-time only use.
(5) The illumination levels contained in the Illuminating Engineering Society of North America Lighting Handbook, as amended from time to time, shall be used as a guide for providing minimum and safe illumination levels and measurement methods.

b. Spill-Over. The limit of illumination on neighboring property from one establishment shall be based on the zoning and/or use of the neighboring property. Maximum computed maintained and maximum measured footcandles at the neighboring property line shall not exceed:

(1) Zero (0) footcandle for single-family residential attached and single-family detached districts.

(2) Three (3) footcandles for multi-family, commercial, agricultural, and industrial districts, and rights-of-way.

(3) Exception: Illumination at interior property lines on contiguous lots in a multi-tenant, non-residential development may exceed the above criteria when necessary to provide constant lighting of adjoining parking areas, fire lanes and interior access roadways as determined by the Building Official.

(4) When a dispute arises regarding the district/use of an adjoining property and the allowed spill-over, the administrative officer's decision shall be binding.

c. Light Pole Standards.

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(1) Height. Lighting standards (i.e., poles) shall be sized in such a manner that the top of any luminary does not exceed thirty (30) feet above adjacent grade. Lighting standards in Industrial zoned districts may be thirty-five (35) feet in height. However, where any industrial, multi-family, or non-residential district light poles are located within 100 feet of a residential district or use, the maximum allowed height is twenty (20) feet.

(2) All parking lot poles shall be placed within a landscaped area or other raised bed to distinguish it from the parking spaces and minimize vehicle contact.

(d) Light Sources.

(1) Light sources or luminaries are prohibited in landscaped buffer areas and within required setback yard areas except on pedestrian walkways, hike & bike trails, and at site entrances.

(2) Light for outdoor advertising shall be designed to function as full cutoff-type of luminaries. Lighting intended for outdoor advertising shall be directed downward. The temporary use of lasers and spotlights that project light into the sky may be allowed, subject to the restrictions of temporary outdoor lighting in Section 78-503, Temporary Outdoor Lighting, below.

(3) All luminaries located on non-residential properties shall be designed so that the light source (bulb or lamp) is completely shielded from direct view at a point three (3) feet above grade on the lot line abutting a residential property. In all other instances, the light source must be completely shielded from direct view at a point five (5) feet above grade at the lot line.

(4) All luminaries and light sources subject to this Section shall be maintained and kept in good working order.

(5) Wall lighting may be used to illuminate the pedestrian walkways, entrance areas, and yard areas within thirty (30) feet of the building. No roof lighting shall be used.

(6) All luminaries mounted on walls or on freestanding poles must be shielded and be directed downward.

(7) Externally illuminated signs, advertising displays, billboards, building identification, and monument signs shall use top mounted light fixtures that shine light downward and that are fully shielded or upward with pin-pointed light which are fully shielded.

(8) Outdoor light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a very narrow cone of light for the purpose of confining the light to the object of interest and minimize spill-light and glare.

(9) Lighting within or around commercial windows meant to draw attention to the business is prohibited.

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(10) Building facades and architectural features of buildings may be floodlighted or otherwise highlighted when the following conditions are met:

(11) floodlight fixtures are equipped with shields and are located so as to limit the fixture's direct light distribution to the façade or feature being illuminated;

(12) the configuration of the floodlight installation shall block all view to the floodlight fixture's lamp from adjacent properties; and iii. the maximum luminance of any floodlighted surface does not exceed the foot-candles specified in the Illuminating Engineering Society of North America Lighting Handbook for floodlighting surfaces.

(13) All exterior lighting shall be LED.

78-515 – Temporary Outdoor Lighting.

Any temporary outdoor lighting that conforms to the requirements of this Section shall be allowed. Non-conforming temporary outdoor lighting may be permitted by the Building Official only as part of a valid Special Events Permit.

78-516 – Photometric Plan.

a) Exterior Lighting Plan. A photometric plan illustrating the exterior lighting that is proposed or modified shall be submitted to the Development Services Department. The submission shall contain, but not be limited to the following:

1. Plans indicating the location of the exterior lighting on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices;

2. Description of the illuminating devices (including a visual depiction), fixtures, pole heights, lamps, supports, reflectors, and other devices including, but not limited to, catalog cuts by manufacturers and drawings (including sections where required).

3. The photometric plan shall include a table which indicates the average foot candle measurement, the maximum foot candle measurement (at any hot spots), and the foot candle measurement at the property line.

b) Preparation of the Photometric Plan. A certified engineer, architect, landscape architect, or lighting engineer/designer shall prepare the plan. The plan shall also contain a certification by the property owner or agent and the preparer of the plan that the exterior lighting depicted on the plan will comply with the requirements of this Ordinance after installation. Once the plan is approved by the Development Services staff, the exterior lighting of the property shall be constructed and installed according to the approved plan.

c) Additional Submission. The above required plans, descriptions and data shall be sufficiently complete to enable the reviewer to readily determine whether compliance with the requirements of this Section will be secured. If such plans, descriptions, and data cannot enable

this ready determination, by reason of the nature or configuration or the devices, fixtures, or lamps proposed, the applicant shall additionally submit as evidence of compliance to enable such determination such certified reports of tests as will do so provided that these tests shall have been performed and certified by a recognized testing laboratory.

78.517 Prohibited Lighting.

The following are prohibited within the City of Ingleside:

a) Design of Lighting.

1. "Cobra head" type lighting fixtures that are not shielded and having dished or "drop" lenses or refractors which house light sources other than incandescent light sources.

2. Unshielded light sources, including bare bulbs above fifteen (15) watts.

3. "Acorn" lighting.

4. Decorative entrance lights mounted on a wall adjacent to doorways may be allowed in spite of not meeting the design requirements listed herein.

b) Moving or Flashing Lighting.

1. Flickering or flashing lights.

2. Searchlights.

c) Types of Lighting.

1. Exposed neon lighting, except for open/closed signs hanging inside a building's door or window.

2. Mercury vapor luminaires.

3. Low-pressure sodium (LPS) and high-pressure sodium (HPS) luminaires.

4. Metal Halide luminaires.

78-518 Exempt lighting.

The following are exempt from the standards contained in this Ordinance:

a. Decorative Seasonal Lighting. The decorative seasonal lights shall be removed within a reasonable and customary time.

b. Lighting for Single Family Detached or Single Family Attached.

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1. the lamps have a power rating of less than or equal to seventy-five (75) watts;

2. a cutoff component is incorporated in the design of the luminaries;

3. the lighting level at the property line shall not exceed the maximum level specified within this Section 78-510; and Section 78-519.

4. the maximum lighting level at the property line may be exceeded in cases where the lamp is turned on and off by a motion sensor and the lamp is not on for a continuous period exceeding ten (10) minutes.

c. Residential Party Lights for Social Gatherings. Such temporary outdoor lighting includes, but is not limited to, strings of lights and lanterns.

d. Translucent Signs. Signs of the type constructed of translucent materials and wholly illuminated from within are exempt from the shielding requirement.

e. Emergency Lighting. Temporary emergency lighting used by police, fire fighters, or other emergency services, as well as all vehicular luminaries. Hazard warning luminaries, which are required by federal and state regulatory agencies.

f. Outdoor Sports Fields. Because of their unique requirement for nighttime visibility and their limited hours of operation, public and commercial ball diamonds, playing fields, and tennis courts are exempt from the general standards of this section. Private ball diamonds, playing fields, and tennis courts on a single-family lot built as an accessory use to the home on that lot are subject to the requirements of this Section. Lighting for these public and commercial outdoor recreational uses shall be LED and shielded to minimize light and glare from spilling over onto residential properties.

~~(a) Public recreation facilities lighting used on a temporary or seasonal basis is exempt from the standards of this division;~~

g. ~~(b)~~ Public streetlights are exempt except that all replacement lights for any public streetlight shall be of the "cut-off refractor" lighting type;
h. ~~(c)~~ Traffic control lighting is exempt;
i. ~~(d)~~ Federal Aviation Administration required lighting for the airport;
j. ~~(e)~~ Lighting in swimming pools and other water features governed by Article 680 of the National Electrical Code;
k. ~~(f)~~ Exit signs and other illumination required by building codes;
l. ~~(g)~~ Lighting for stairs and pedestrian ramps, as required by the building code;
m. ~~(h)~~ Signs are regulated by the sign code, but externally lit signs and displays must be shielded so as not to create obtrusive light;
n. ~~(i)~~ Low voltage landscape lighting, but such lighting shall be shielded or directed in such a way as to eliminate obtrusive light;
o. ~~(j)~~ Low intensity gas lighting in residential areas;

p. ~~(k)~~ Low intensity "ambiance" lighting, such as "rope" lighting and frosted globe lighting.
q. Exceptions. The building official may vary from these requirements for any municipal project or purpose.

Sec. 78-~~514~~ 19. - Nuisance declared.

The shining of light produced by a luminaire beyond the boundaries of the property on which the luminaire is located and onto another property under circumstances where the lighting element of the luminaire is visible from such other property and in such a manner and with such intensity as to disturb and annoy the reasonable sensibilities of a person living on and using such other property in a reasonable and customary manner as a residence is declared to be a nuisance and is prohibited. Streetlights, traffic control lights, and public facility lighting are exempt from this division.

Sec. 78-~~515~~ 20 - Filing of complaint; unlawful noncompliance; fines.

Any person may complain to the city in regard to lighting that does not comply with the standards set forth in this division. The complaint must be filed in writing to the city code enforcement officer, building official, or a peace officer. It shall be unlawful for the owner or tenant within the city to fail to comply with the standards set forth in this section after notice is given, directing that such standards be met. The code compliance office, building official, peace officer or any other individual assigned such duties may, whenever a violation is found, file a complaint with the municipal court and/or issue citations. Any violation of any section subsection or part of this article shall be deemed a misdemeanor, and each violation during all or any portion of any day shall be a separate offense and subject to punishment as described in section 1-~~14~~ 19 of this Code.

Secs. 78-~~516~~21—78-599. Reserved.

~~*DIVISION 7. TELECOMMUNICATION FACILITIES*~~

- ~~**Sec. 78-600. - Definitions.**~~

~~For the purposes of this division 7, the following words and terms are defined as follows:~~

~~*Accessory equipment* means any equipment serving or being used in conjunction with a telecommunications facility or support structure. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries or other backup power supply sources, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.~~

~~*Administrative approval* means permit approval that the building official or designee is authorized to grant after administrative review, the building official being the permitting authority.~~

~~*Administrative review* means evaluation of an application by the building official or designee.~~

~~*Antenna* means any structure or device used to retransmit or receive electromagnetic waves for the provision of services including, but not limited to, cellular, paging, personal communications services (PCS) and microwave communications. Such structures and devices include but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional antennas, such as whips. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes designed for residential or household purposes.~~

~~*Carrier on wheels* or *cell on wheels ("cow")* means a portable self-contained telecommunications facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis.~~

~~*Collocation* means the act of siting telecommunications facilities on an existing structure without the need to construct a new support structure and without a substantial increase as herein defined.~~

~~*Council approval* means permit approval that the council is authorized to grant after administrative review and planning and zoning commission recommendation, the council being the permitting authority.~~

~~*Existing structure* means previously erected support structure or any other structure, including but not limited to, buildings and water tanks, to which telecommunications facilities can be attached.~~

~~*Height* means a measurement from the ground to the highest point of the structure being measured.~~

~~*Major modifications* means improvements to existing telecommunications facilities or support structures that result in a substantial increase to the existing structure. Collocation of new telecommunications facilities to an existing support structure without replacement of the structure shall not constitute a major modification.~~

~~*Minor modifications* means improvements to existing structures that may result in some material change to the facility or support structure but of a level, quality or intensity that is less than a substantial increase. Minor modifications include the replacement of the structure.~~

~~*Monopole* means a single, freestanding pole-type structure supporting one or more antennas. For purposes of this division 7 a monopole is not a tower.~~

Ordinary maintenance means work that is undertaken to ensure that telecommunications facilities and support structures are kept in good operating condition. It includes inspections, testing and modifications that maintain functional capacity, aesthetic and structural integrity; for example, the strengthening of a support structure's foundation or of the support structure itself. It includes replacing equipment with equipment of a similar size, weight, shape and color and accessory equipment within an existing telecommunications facility. It does not include minor or major modifications.

Replacement means constructing a new support structure of proportions and of equal height or such other height that would not constitute a substantial increase to a pre-existing support structure in order to support a telecommunications facility or to accommodate collocation and removing the pre-existing support structure.

Stealth telecommunications facility means any telecommunications facility that is integrated and concealed as an aesthetic or architectural feature of an existing structure, or any new support structure designed so that the purpose of the facility or support structure provides visual mitigation. Examples include the use of church steeples, buildings, outdoor signs, electric light poles, and disguise as trees.

Substantial increase occurs when:

(1) The mounting of the proposed antenna on an existing structure would increase the existing height of the existing structure by more than ten percent, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph as necessary to avoid interference with existing antennas; or

(2) The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or

(3) The mounting of the proposed antenna would involve adding an appurtenance to the body of the existing structure that would protrude from the edge of the existing structure more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or

(4) The mounting of the proposed antenna would involve excavation outside the current existing structure site, defined as the current boundaries of the leased or owned property surrounding the existing structure and any access or utility easements currently related to the site.

Support structure means a structure designed to support telecommunications facilities, including, but not limited to, monopoles, towers, and other freestanding or self-supporting structures.

Telecommunications facility means any unmanned facility established for the purpose of providing wireless transmission of voice, data, images, or other information, including, but not limited to, cellular telephone service, personal communications service (PCS), and paging service. A telecommunication facility can consist of one or more antennas and accessory equipment.

Tower means a lattice-type structure, guyed or freestanding, that supports one or more antennas.

- **Sec. 78-601. - Prohibition and permit requirements.**

(a) *Prohibition and permit requirement.* No telecommunication facilities or support structures, except for those which are expressly exempted, are allowed to be placed, constructed or modified in the city, unless they are properly permitted in accordance with the requirements of this division 7. The permit process involves administrative review in all cases and either administrative permit issuance or denial by the building official or permit issuance or denial by the council.

(b) *Exemptions.* The following are exempt from this division 7.

(1) Ordinary maintenance of telecommunications facilities and support structures.

(2) Antennas used by residential households solely for broadcast radio and television reception, provided they are no more than 30 feet in height.

(3) Satellite antennas used solely for residential or household purposes.

(4) COWs placed within the city after a declaration by the governor of an emergency or a disaster for so long as the disaster or emergency conditions exist.

(5) HAM radio operations facilities provided their antennas are no more than 50 feet in height.

(c) *Administrative review.* All non-exempt matters must be administratively reviewed by the building official.

(1) The administrative review process must be commenced by the applicant filing an application with the building official.

(2) All applications must contain the following:

a. Application for building permit form signed by applicant.

b. Letter of authorization from property owner evidencing applicant's authority to pursue application.

c. Site plans detailing proposed improvements, including anticipated future expansion, which complies with the city's existing site plan and other development requirements, as applicable.

d. The fee, which shall be the same as the buildings and building regulations fees listed in appendix A of the City of Ingleside's Code of Ordinances, must be paid upon filing of the application.

e. Number of proposed antennas and support structures and the height of each above ground level.

f. Line-of-sight diagram and photo simulation showing the proposed antennas and support structure set against the skyline.

g. Collocation is encouraged. New support structures shall not be built unless and until it is demonstrated that no existing structures can accommodate the applicant's needs, i.e. that collocation is not viable. If applicant proposes to collocate, an explanation of the proposal must be set forth. If applicant does not propose to collocate, applicant must provide an explanation justifying why collocation is not viable. This may include evidence that (1) no suitable support structures are located within the geographic area that meet applicant's engineering requirements, or (2) applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing support structure, or (3) the antenna on the existing support structure would cause interference with the applicant's proposed antenna, or (4) the fees, costs or contractual provisions required by the owner of an existing support structure or to adapt an existing support structure for shared use are unreasonable, and/or (5) other factors that render existing support structures unsuitable.

h. A list of the existing support structures considered as possible alternatives to the proposed location and a written explanation why the alternatives considered were either unavailable or not viable.

i. For applications for new support structures, a statement that the proposed support structure will be made available for collocation to other service providers at commercially reasonable rates.

j. Stealth telecommunication facilities are encouraged. Such facilities are required, unless and until it is demonstrated by the applicant that stealth techniques are not viable. If applicant proposes to adopt a stealth technique, an explanation of the proposal must be set forth. If applicant does not propose to adopt a stealth technique, applicant must provide an explanation justifying why it is not viable to do so.

k. Statements which address all design elements and matters set forth under section 78-502, general standards and design requirements.

l. A statement as to whether the application is one which is within the ambit of the administrative approval process of the council approval process, which processes are hereinafter defined.

(3) Completion of application. The building official will review the application for completeness. If determined to be incomplete, within 30 days of the receipt of an application for administrative review the building official will inform the applicant in writing of the specific reasons why the application is incomplete and does not meet the submittal requirements. The parties may agree upon an extension of time as to such 30-day period. Applicant, in such case, will be given a reasonable opportunity to complete the application.

(d) *Administrative permit approval.*

(1) In the following cases, the permitting authority is the building official. The building official may not vary or waive any requirement of this division 7, unless and except to the extent such power is expressly in this division 7 granted.

a. Minor modifications.

b. Collocations.

c. Approval of antennas and accessory equipment which exceed the maximum building height limitations within a zoning district, provided they do not constitute a substantial increase.

d. The placement of non-exempt COWs at a location for no more than 60 continuous days.

(2) The building official will issue a written decision granting or denying the application and, in the event of denial, stating the reasons for denial, within 45 days after the date of submission of the completed application. The parties may agree upon an extension of time.

(3) Applicant may appeal a decision of the building official by filing written notice of appeal within 15 days after the decision appealed from: (a) to the board of adjustment on the basis of administrative error or for a variance; or (b) to the planning and zoning commission in which event the case shall thenceforth be handled as would be an original proceeding before the planning and zoning commission and the city council wherein the council is the permitting authority.

(e) *Council permit approval.* As to all applications not within the ambit of administrative approval, the council is the permitting authority.

(1) Telecommunications facilities and support structures not expressly allowed to be permitted by administrative approval shall be allowed upon the granting of a permit by the city council after recommendation made by the planning and zoning commission to the council and otherwise procedurally as in the case of zoning changes under sections 78-51 and 78-52, subject to the terms and provisions of this division 7, the procedures herein being intended to supplement and to be in addition to the procedures required under 78-51 and 78-52. The council may waive or vary any of the requirements set forth in this division in any particular case.

(2) The city council will issue a written decision granting or denying the application within 90 days in the case of a collocation decision or within 150 days in all other cases after the date of submission of a completed application to the building official. An extension of time may be agreed upon by the parties.

(f) *Consequences of failure to act within time limits.* The Federal Telecommunications Act of 1996 requires that a city act on an application within a reasonable time after a complete application is filed. Federal law presumes that 90 days for collocation cases and 150 days for all other cases are reasonable times. Federal law further provides that a person adversely affected by a city's final action or by its failure to act within the 90- or 150-day timeframes may, within 30 days after such action or failure to act, commence an action in court. However, the failure to act within those specific periods of time merely gives rise to a rebuttable presumption that the government unreasonably delayed. It does not result in deemed approval. The 150- and 90-day timelines operate independently of state and local statutes and ordinances and only serve to interpret the federal requirement of action within a reasonable period of time.

- **Sec. 78-602. - General standards and design requirements.**

The following conditions shall apply and may be in addition to any other conditions as may be applicable:

(1) Stealth telecommunications facilities are encouraged and such designs shall be required where viable;

(2) The compound area surrounding the support structure must be of sufficient size to accommodate accessory equipment for at least two telecommunications providers;

(3) Collocation is encouraged and required where viable. Telecommunications facilities shall be designed to accommodate the collocation of other antennas whenever viable;

(4) Setbacks.

a. *Property line.* Support structures shall be set back from all property lines at least a distance equal to their height measured from the ground to its highest point.

b. *Residential dwellings.* Support structures shall be set back from all off-site residential dwellings a distance equal to the height of the structure.

c. *Accessory equipment.* Accessory equipment shall be set back from all property lines in accordance with the minimum setback requirements in the underlying zoning district.

(5) Height. Support structures and antennas shall be designed to be the minimum combined height needed to meet the service objectives of the applicant and anticipated collocators and none shall exceed 80 feet in height.

(6) Lighting and marking. Support structures and antennas shall not be illuminated or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA) or other applicable federal or state agency.

(7) Signage. Signs located at the telecommunications facility shall be limited to ownership and contact information. FCC antenna registration number (if required) and any other information as required by government regulation. Commercial advertising is strictly prohibited.

(8) Landscaping. Landscaping requirements may be imposed for sites that are visible from the public right-of-way or adjacent property.

(9) Fencing. Ground-mounted accessory equipment and support structures shall be secured and enclosed by a security fence not less than six feet in height.

(10) Licensed carrier. The facility must be used by a licensed wireless carrier.

(11) Prohibited locations. No tower or monopole or other freestanding self supporting support structure shall be allowed within the following locations:

a. Within 600 feet of Highway 361 right-of-way extending from the east city limits line to the west city limits line;

b. With 600 feet of Highway 1069 right-of-way extending from the south city limits line to the north city limits line;

c. Within 500 feet of any school grounds or property, public park or areas of organized outdoor activities for children;

d. Within any residential (single, duplex or multi-family) zoning district or within 200 feet of the boundary of such a zoning district; or

e. Within 1,000 feet of another telecommunications tower, monopole, or other freestanding self supporting support structure.

~~**Sec. 78-603. - Abandonment.**~~

~~**Secs. 78-604—78-699. - Reserved.**~~

~~**Sec. 78-603. - Abandonment.** In the event the use of any telecommunication facility, including any support structure, has been discontinued for a period of 180 consecutive days, the support structure shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the building official. The owner/operator of the support structure shall remove same within 90 days of receipt of notice from the building official of such abandonment. If such support structure is not removed within said 90 days, the building official may cause such support structure to be removed at the owner's expense.~~

~~**Secs. 78-604—78-699. Reserved.**~~

~~***ARTICLE VI. MISCELLANEOUS***~~

~~**Sec. 78-700. Nonconventional housing.**~~

~~The council has adopted the nonconventional housing area map. Manufactured homes and manufactured home parks, travel trailer parks, recreational vehicle parks, and HUD-Code manufactured home subdivisions are allowed in those areas and zoning districts designated on the nonconventional housing area map, provided such uses and structures comply with the provisions of chapter 78, division 13 and such other provisions of this Code as are applicable to such uses and structures. A change to the nonconventional housing area map or with respect to the areas where any of such structures or uses are allowed within any zoning district may be effected only pursuant to the same procedures as are required for the effectuation of other changes of zoning of property and pursuant to a process whereby a nonconventional housing permit is granted as part of the change of zoning process, which nonconventional housing permit shall designate the particular uses to which the property may be put, impose such conditions as are required under chapter 78, division 13, and such other conditions as may be appropriate. Notwithstanding the above, as to nonconventional housing located within an area identified on the nonconventional housing map as an area in which nonconventional housing is allowed, the building official shall have discretion to allow or deny requested changes to the location and number of spaces for manufactured homes, recreational vehicles, and travel trailers within such area, and in the event of denial by the building official the applicant may, as an alternative, utilize the zoning procedures noted above.~~

Section 2. Effective Date. As provided by Article III, Section 3.11C of the Charter of the City of Ingleside, this ordinance shall be effective upon adoption and, in addition, if any penalty, fine or forfeiture is imposed by this ordinance, then this ordinance shall be effective only after publication of this ordinance in its entirety or in summary form once in the official newspaper of the City of Ingleside.

Section 3. Reading. As provided by Article III, Section 3.11.B of the Charter of the City of Ingleside, this ordinance, or the caption of it, shall be read at two City Council meetings with at least two weeks elapsing between each reading.

Section 4. Severance. If any part of this ordinance is invalid or void or is declared to be so, then said part shall be severed from the balance of this ordinance and said invalidity shall not affect the balance of this ordinance, the balance of the ordinance to be read as if said invalid or void portion thereof were not included.

Section 5. Publication. As provided by Article III. Section 3.11C, this ordinance shall be published one time in the official newspaper of the City of Ingleside, San Patricio County, Texas, which publication shall contain the caption of this ordinance stating in substance the purposes of same.

PASSED, ORDAINED, APPROVED AND ADOPTED this 12th day of December 2023 by ___ (ayes) to ___ (nays) with ___ abstentions by a vote of the City Council of the City of Ingleside.

CITY OF INGLESIDE, TEXAS

_____
Pedro Oscar Adame, Mayor

ATTEST:

_____
Ruby Beaven, City Secretary

First Reading: November 14, 2023

Second Reading: December 12, 2023

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CITY COUNCIL AGENDA
Regular Meeting: December 12, 2023

AGENDA ITEM: 14

Deliberate and take appropriate action on the second and final reading of an Ordinance amending Chapter 54 – Subdivisions, Article 1 – In General, Article II – Administration, Article III – Plats, Article IV – Design Standards, Article V – Improvements, and Article VI – Model Subdivision Rules, Ingleside Code of Ordinances and further providing for effective date, reading, severance, and publication.

SUBMITTED BY: Gene Delauro, Interim Building Official

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

Chapter 54 of the City of Ingleside Code of Ordinances outlines the requirements and procedures required to subdivide (plat) land parcels. The existing ordinance language regarding subdivisions and related public improvements were adopted in 1979 with minor language modifications enacted through the years. The existing language and processes require updating to recognize new State of Texas regulatory requirements and reorganize the requirements to follow a sequential process from inception to completion.

Key revisions include revised permitting, inspection and testing requirements for public improvements (water, sewer, streets, etc.) simplified mathematical calculations to compute park dedication fees and clarified and edited and removed redundant language throughout for ease of use.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

The Planning & Zoning Commission met on August 7, 2023 and recommended approval of the revised Chapter 54 ordinance to revised Chapter 54 – Subdivisions to the City Council.

ATTACHMENTS:

1. Ch 54 SUBDIVISIONS

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING CHAPTER 54 - SUBDIVISIONS, ARTICLE I – IN GENERAL, ARTICLE II -ADMINISTRATION, ARTICLE III – PLATS, ARTICLE IV – DESIGN STANDARDS, ARTICLE V – IMPROVEMENTS, AND ARTICLE VI – MODEL SUBDIVISION RULES, INGLESIDE CODE OF ORDINANCES AND FURTHER PROVIDING FOR EFFECTIVE DATE, READING, SEVERANCE, AND PUBLICATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INGLESIDE, COUNTY OF SAN PATRICIO, STATE OF TEXAS:

Section 1. Amendment. Chapter 50 – Subdivisions, Article I – In General, Article II – Administration, Article III – Plats, Article IV – Design Standards, Article V – Improvements, and Article VI – Model Subdivision Rules is hereby amended to read as follows, new matter being indicated by language and underscoring in red and deleted language by strikethrough in black.

Chapter 54 SUBDIVISIONS

ARTICLE I. IN GENERAL

Sec. 54-1. Authority of chapter.

This chapter is adopted under the authority of the state constitution and laws, including particularly ~~V.T.C.A.,~~ Texas Local Government Code § 212.001 et seq.

Sec. 54-2. Purpose of chapter.

The purpose of this chapter is to provide for the orderly, safe and healthful development of the area within the city ~~and its extraterritorial jurisdiction~~ and to promote the health, safety, morals and general welfare of the community.

Sec. 54-3. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley means a minor public right-of-way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street and is not intended to provide the primary means of access to abutting lots.

Arterial street means that which primarily provides vehicular circulation to various sections of the city.

Building setback line means the line within a property defining the minimum horizontal distance between a building and the adjacent street line.

Collector street means that which provides circulation within neighborhoods in order to carry traffic from minor streets to arterial streets, or to carry traffic through or adjacent to commercial or industrial areas.

Commission means the planning and zoning commission of the city.

Council means the city council.

Cul-de-sac means a street having but one outlet to another street and terminated on the opposite end by a vehicular turnaround.

Dead-end street means a street, other than a cul-de-sac, with only one outlet.

Engineer means a person licensed to practice the profession of professional engineering in the state.

Filed means the date that a preliminary plat, replat or final plat is submitted to the City, along with a completed application and applicable fees, and other requirements prescribed by or under Texas Local Government Code § 212.004, as amended.

Lot means an undivided tract or parcel of land having frontage on a public street and which is, or in the future may be, offered for sale, conveyance, transfer or improvement, and which is designated as a distinct and separate tract and is or is proposed to be identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record.

Marginal access street means a minor street which is parallel to and adjacent to arterial streets and highways, and which primarily provides access to abutting properties and protection from through traffic.

May. The word "may" is merely directory; see the word "shall."

Minor street means a street used primarily for access to abutting residential property.

Municipal Authority means the City of Ingleside City Council.

Owner means and includes the owner of legal title, the owner of equitable title, and/or anyone who has authority, power, the right, or such incidents of ownership as allow or render him able to subdivide the land or to otherwise take such action as to cause his actions with respect to the land to be covered by this chapter.

Plan means a subdivision development plan, including a subdivision plan, subdivision construction plan, site plan, land development application, and site development plan.

Plat means a map or drawing showing the lot and street arrangement and other features of a tract of land as proposed by a subdivider and includes a preliminary plat, general plan, final plat, and replat.

Shall. The word "shall" is always mandatory; see "may."

Street means a public right-of-way, however designated, which provides vehicular access to adjacent land.

Subdivider means any person, partnership, firm, association, corporation, and/or any officer, agent, employee, servant, or trustee thereof, who does, or participates in the doing of any act towards the subdivision of land and who is the owner or equitable owner of the land.

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Subdivision means a division of any lot, tract, or parcel of land into two or more parts, lots, or sites, for the purpose, whether immediate or future, of sale or division of ownership including a resubdivision of a lot or lots which are part of a previously recorded subdivision.

Surveyor means a licensed state land surveyor or a registered public surveyor authorized by state statute to practice the profession of surveyor of land.

Utility easement means an interest in land granted to the city, to the public generally, and/or to a private utility corporation, for installing or maintaining utilities across, over or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of such utilities.

Sec. 54-4. ~~Subdivision generally; plats required.~~ Applicability

~~The owner of a tract of land, located within the city limits or extraterritorial jurisdiction of the city, who proposes a subdivision of his tract, or who divides the tract into two or more parts to lay out suburban buildings, or other lots, or to lay out streets, alleys, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, parks, or other parts, must have a plat of the subdivision prepared. A division of a tract under this section includes a division, regardless of the method used to describe the property, whether it is by a metes and bounds or other description, and regardless of the method or type of document utilized to effect the division, whether by a deed of conveyance, contract for deed, contract of sale or other executory contract to convey. A division of land under this chapter does not include a division of land into parts greater than five acres, where each part has access to public roadway and no public improvement is being dedicated.~~

A. Pursuant to the authority granted in Texas Local Government Code Chapter 212, prior to the subdivision, re-subdivision or development of any land within the City or of the ETJ, all plats shall first be approved in accordance with this Chapter.
B. The owner of a tract of land located within the City limits or the ETJ who divides the tract in two or more parts to lay out a subdivision or to lay out streets, alleys, squares, public open space or other public improvements shall have a plat of the subdivision prepared.
C. A division of a tract under this Chapter includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract for sale or other executory contract to convey, or buy using any other method.
D. No building permit may be issued for any parcel or tract of land until:
    1. Such property has received final plat approval; and
    2. The plat has been recorded.
E. The division of any lot or any parcel of land by the use of metes and bounds description for the purpose of the development is prohibited.
F. Any conveyance or other division of land transferring any land or interest in land to or from any governmental entity shall be subject to the procedures in this Chapter.
G. No plat shall be processed which attempts to amend or remove any covenants or restrictions of the preceding plat until such preceding plat, or portion of such preceding plat has been vacated or amended by replat in accordance with this Section.

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Sec. 54-5. Building permit; required; exceptions.

No building permits shall be issued for work on any property which has not been platted or which constitutes only a portion of a platted lot or which is not in conformity with the platting and subdivision rules of the city, with the following exceptions:

(1) Property which is more than five acres in area and which is not required to be platted because of the application of the last sentence of section 54-4;

(2) For maintenance, improvement, repairs and/or remodeling of an existing house or other building, so long as such work does not cause or result in an increase in the size of the house or other building;

(3) For roof and siding repairs, maintenance, improvement and replacement;

(4) To move in or to build a fully enclosed storage building with no more than 300 square feet of enclosed floor space area to be used in conjunction with and accessory to an existing house or other building situated on the same property;

(5) To build a fully enclosed addition to an existing house or other building, which addition constitutes not more than 25 percent of the existing floor space living area of the house or existing floor space area of said other building;

(6) To build an addition to an existing garage or carport used in conjunction with and accessory to an existing house situated on the same property, if such addition constitutes not more than 25 percent of the floor space area of the existing garage or carport;

(7) To build an attached or unattached garage or carport consisting of not more than 1,000 square feet of floor space area to be used in conjunction with and accessory to an existing house on the same property;

(8) To do electrical, plumbing or mechanical work on an existing house or building; and

(9) To build a fence; and

(10) In cases where the property of the applicant has not been divided after the 28th day of February, 1995, and the application for building permit is accompanied by a survey of the property and all improvements thereon and to be constructed thereon, and applicant makes such grants of right-of-way and easements for drainage, utilities and roads as are required by the building official to assure proper and safe development and in order to assure that future planning and development are not hindered.

Sec. 54-6. Vacating plat.

(a) *No lots sold.* The owners of a tract covered by an existing plat may vacate the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.

(b) *Lots sold.* If lots in the plat have been sold, the plat, or any part of it, may be vacated on the application of all the owners of the lots in the plat with such approval obtained in the manner prescribed for the original plat.

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~~(c) *Citation of vacated plat.* The county clerk shall write legibly on the vacated plat the word "vacated" and shall enter on the plat a reference to the volume and page at which the vacating instrument is recorded.~~

~~(d) *Effect.* On execution and recording of the vacating instrument, the vacated plat has no effect.~~

Secs. 54-~~7~~5—54-~~25~~12. Reserved.

ARTICLE II. ADMINISTRATION

Sec. 54-13. Pre submission Conference.

A pre-submission conference with appropriate city staff is required for all applicants seeking to plat property. Pre-submission conferences are for the exchange of information regarding application requirements and processes, to establish points of contact and processing procedures, and to initiate the project management process in the Development Services Department. No statements made at any pre-submission conference may be regarded as an affirmative approval of all or part of any application or override later determinations made through the deliberative processes of application review. Application and processing fees shall be as outlined in Appendix A.

Sec. 54-14. Review process.

1. Preliminary Plat

(a) The preliminary plan or plat must first be filed with the commission. Filing is accomplished by submitting one paper copy and electronic copy of the plat to the Development Services Department.

(b) The commission shall, within 30 days after filing, either approve, approve with conditions, or disapprove the preliminary plan or plat. The preliminary plat is deemed approved by the commission, unless it is disapproved within the 30-day period and in accordance with Texas Local Government Code § 212.009.

(c) If the preliminary plat is approved by the commission, whether such approval will be actual or deemed, then, within 30 days after the preliminary plat is approved by the commission or is deemed approved by the inaction of the commission, the council shall either approve, approve with conditions, or disapprove the preliminary plat. The preliminary plat is deemed approved by the council, unless it is disapproved within the 30-day period, and in accordance with Texas Local Government Code § 212.009.

(d) The 30-day period under [subsections] (b) and (c) may be extended for up to an additional 30 days if the applicant requests the extension in writing and the commission or council, as applicable, agrees.

2. Final plat

(a) The expression "final plat," when used in this division, includes the final, detailed construction plans and specifications for construction of all public improvements.

(b) Within six months after a preliminary plat has been approved by the commission and the council, the final plat shall be filed with the commission. Filing is accomplished by

delivering the original and one additional copy of the final plat to the Development Services Department. If not so filed, the plat and application of the subdivider shall be deemed abandoned and preliminary plat approvals previously given nullified. In the case of a development which is to be done in stages or by units with a preliminary plat, which is still active and in effect, the filing of a final plat shall extend the life of the preliminary plat an additional twelve months from the date of filing each time a final plat is approved even though each final plat covers only a portion of the property covered by the preliminary plat.

(c) The commission shall, within 30 days after filing, either approve or disapprove the final plat. The final plat is deemed approved by the commission unless it is disapproved within the 30-day period or within such longer time as may be agreed upon by the developer and the commission.

(d) If the final plat is approved by the commission, whether such approval will be actual or deemed, then, within 30 days after the final plat is approved by the commission or is deemed approved by the inaction of the commission, the council shall either approve or disapprove the final plat. The final plat is deemed approved by the council unless it is disapproved within the 30-day period or within such longer time as may be agreed upon by the developer and the council.

(e) The 30-day period under [subsections] (c) and (d) may be extended for up to an additional 30 days if the applicant requests the extension in writing and the commission or council, as applicable, agrees.

3. Public Notification Process and Protests

(a) Notice of the hearing for preliminary and final plats shall be given before the 15th day before the date of the hearing by publication in the official newspaper of the city or in a newspaper of general circulation in the county.

(b) If during the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or any lot in the preceding plat is limited by deed restrictions to residential use for not more than two residential units per lot pursuant to Texas Local Government Code § 212.015(a)(1) and (2) and the land being replatted was not designated or reserved for something other than single-family or duplex use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat pursuant to, Texas Local Government Code § 212.015(e), then additional notifications are required as follows;

(c) Notice of the public hearing shall be given before the 15th day before the date of the hearing by written notice, with a copy of subsections (d) through and including (f) of this section attached, served by the city Administrative officer or anyone designated by him on the owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision within the extraterritorial jurisdiction of the city, the most recently approved county tax roll. The written notice may be personally served on an owner, or it may be served by depositing the notice, properly addressed with postage prepaid, in a U.S. Postal Service depository within the boundaries of the city. Service of notice is effective in the event of personal delivery on date of delivery and in the event of mailing on the date of deposit in the U.S. Postal Service depository.

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(d) An owner of property who is entitled to written notice of the public hearing under this section and whose property is within the original subdivision may protest the replat.

(e) A protest is valid only if it is in writing, signed by the owner, and filed with the body holding the hearing before the close of the public hearing.

(f) If the replat requires a variance and is protested by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, then the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the commission and three-fourths of the members present of the council pursuant to Texas Local Government Code § 212.015(c). However, in no event shall less than four affirmative votes be required for council action, except where conflict of interest precludes such minimum.

(g) In computing the percentage of land area under subsection (f) of this section, the area of streets and alleys shall be included.

Sec 54-15. Conditional Approval or Disapproval.

(a) A municipal authority that conditionally approves or disapproves a preliminary or plat under this subchapter shall provide, through the Development Services Department, the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval.

(b) Each condition or reason specified in the written statement:

(1) Must:

a. Be directly related to the requirements under this subchapter; and

b. Include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval, if applicable; and

(2) May not be arbitrary.

Sec. 54-16 Same—Applicant response to conditional approval or disapproval.

After the conditional approval or disapproval of a plan or plat under section 54-16, the applicant may submit to the municipal authority that conditionally approved or disapproved the plan or plat, a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided. The municipal authority or governing body may not establish a deadline for an applicant to submit the response.

Sec. 54-17 Same—Approval or disapproval of response.

(a) A municipal authority that receives a response under section 54-16 shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved plan or plat not later than the 15th day after the date the response was submitted.

(b) A municipal authority that conditionally approves or disapproves a plan or plat following the submission of a response under section 54-16:

(1) Must comply with section 54-15; and

(2) May disapprove the plan or plat only for a specific condition or reason provided to the applicant under section 54-15.

(c) A municipal authority that receives a response under section 54-16 shall approve a previously conditionally approved or disapproved plan or plat if the response adequately addresses each condition of the conditional approval or each reason for the disapproval.

(d) A previously conditionally approved or disapproved plan or plat is approved if:

(1) The applicant filed a response that meets the requirements of subsection (c); and

(2) The municipal authority that received the response does not disapprove the plan or plat on or before the date required by subsection (a) and in accordance with section 54-15.

Sec. 54-18 Administrative Approval.

In the event there is not sufficient time for the Planning and Zoning Commission of the City Council to approve or deny any plat based upon the filing date of such plat, the City Manager may approve or deny such plat, pursuant to Section 212.0065 of the Texas Local Government Code, as amended. The disapproval of any plat by the City Manager may be appealed to the Planning and Zoning Commission or City Council as applicable.

~~***DIVISION 1. GENERALLY***~~

~~**Secs. 54-26—54-35. Reserved.**~~

~~***DIVISION 2. VARIANCES***~~

~~**Sec. 54-36. Authorization of council and commission required.**~~

~~The commission and council may authorize a variance from this chapter when, in their opinion, undue hardship will result from requiring strict compliance. The approval of the variance by both the commission and the council is required. Pecuniary hardship to the subdivider, standing alone, does not constitute undue hardship.~~

~~**Sec. 54-37. Required findings.**~~

~~(a) The commission and the council must make certain findings before they can grant a variance. In making these findings, they shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. No variance shall be granted unless they find that:~~

(1) There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the subdivider of the reasonable use of his land.

(2) The variance is necessary for the preservation and enjoyment of a substantial property right of the subdivider.

(3) The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

(4) The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this chapter.

(b) Such findings, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the commission and council meetings at which such variance is granted.

Sec. 54-38. Harmony of variance with chapter's purpose and intent.

Variances may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare are secured and substantial justice done.

Sec. 54-39. Majority vote required.

No variance may be granted under this division except on the affirmative vote of at least three-fourths of the members present of the commission and three-fourths of the members present of the council. However, in no event shall less than four affirmative votes be required for council action, except where conflict of interest precludes such minimum.

Sec. 54-40. Conditions for granting.

In granting variances, the commission and council shall require such conditions as will, in their judgment, secure substantially the objectives of the standards or requirements so varied, and the variance granted shall be the minimum necessary to correct the situation.

Sec. 54-41. Zoning special permits and PUDs.

The platting ordinance imposes certain requirements upon platted properties, both by express provisions set forth within the platting ordinance and by reference to provisions which are set forth in other ordinances, including the zoning ordinance. The city council may grant special permits or grant planned unit development zoning district designation under the zoning ordinance which vary the requirements applicable to a plat. To the extent of conflict, the special permit or PUD district designation granted under the zoning ordinance shall control for purposes of determining compliance of applicant with subdivision and platting rules. If platting is required then plat approval must be conditioned on grant of the zoning special permit or grant of PUD designation.

Secs. 54-42—54-50. Reserved.

DIVISION 3. APPEALS

Sec. 54-51. Rights of subdivider to contest disapproval and city to contest approval.

A subdivider contesting commission disapproval based on a claim of error in commission interpretation or application of any rule, standard, regulation, or requirement set forth in this chapter, shall have the right to appeal to the council. City management staff contesting commission approval based on a claim of error in commission interpretation or application of any rule, standard, regulation, or requirement set forth in this chapter, shall have the right to appeal to the council.

Sec. 54-52. Request for rehearing; time limit for decision; grant of hearing.

(a) The appellant must first request rehearing before the commission. The request must be in writing, signed by the appellant, and filed with the city building official no less than ten days after the commission decision appealed from and must specify in detail each error claimed.

(b) The commission shall, within 30 days after the request is filed, either deny or grant the request for rehearing. If not granted within the 30-day period, the request shall be deemed denied on the 31st day.

(c) If granted, the hearing shall be held within 30 days after the request is granted.

(d) The decision of the commission shall be made at the conclusion of the hearing.

Sec. 54-53. Rehearing denied or granted; notice of appeal; amendment of notice; hearing; decision.

(a) If a rehearing is denied, within ten days after denial, or, if rehearing is granted, within ten days after the hearing, the appellant must file a notice of appeal with the city building official.

(b) The notice must be in writing, signed by the appellant and must specify in detail the errors claimed.

(c) The commission, in the event of appeal by a subdivider, shall file written notice of all reasons for its decision to disapprove, unless this notice is waived by the council.

(d) The appellant and commission may amend their notices at any time before three days prior to the commencement of the council hearing.

(e) The council shall hold a hearing on the appeal within 30 days after the appellant's notice of appeal is filed.

(f) At the hearing, the council shall determine only the matters described in the notices and responses thereto filed by the appellant and the commission and other matters deemed by it to be, in its discretion, appropriate.

Sec. 54-54. Decision; reversal of disapproval; reversal of approval.

(a) The council shall make its decision at the conclusion of the hearing.

(b) The council may reverse a commission plat disapproval only if:

(1) The commission was in error in its interpretation or application of any rule, standard, regulation, or requirement set forth in this chapter; and

~~(2) The plat would not have been disapproved but for such error.~~

~~(c) The council may reverse a commission plat approval only if the commission was in error in its interpretation or application of any rule, standard, regulation, or requirement set forth in this chapter.~~

~~(d) If the council reverses the decision of the commission, the plat shall be deemed approved or disapproved, in accordance with the council decision, by the commission as of the date of the council reversal of the commission decision.~~

~~**Secs. 54-55—54-75. Reserved.**~~

Secs. 54-19 – 54-75. Reserved.

ARTICLE III. PLATS

DIVISION 1. GENERALLY

Sec. 54-76. Stages of platting process~~—Generally.~~

~~The platting process consists of two basic stages, the preliminary plat process and the final plat process, as more particularly described in division 4 of this article. The information required in or as an accompanying part of the preliminary plat is generally less detailed than that which is required in or as part of the final plat.~~

~~**Sec. 54-77. Same—Specifically.**~~

The platting process consists of two basic stages, preliminary plat review and final plat review. A developer may, at his option, file and process a preliminary plat at the same time as he files and processes a final plat, in which event he may simply combine all information required to be included in a preliminary plat and the preliminary plat application process into the final plat and the final plat application process. The designation of the plat in its initially filed stage as preliminary is not intended as an indication that the preliminary plat is of less importance than the final plat. The preliminary plat serves as the foundation of the final plat. The final plat must conform to the preliminary plat and generally may vary therefrom only in that it will provide more detail and specificity and will be changed to conform with approved conditions. Nevertheless, approval of a preliminary plat does not constitute approval of the final plat or bind the commission or the council to approve the final plat. For example, a change of circumstances between the date when the preliminary plat was approved and the date when the final plat is to be approved, the discovery, before the approval of the final plat, of facts not known at the time the preliminary plat was approved, or the discovery of a mistake of law or fact may all result in the disapproval of a final plat even though it conforms with a previously approved preliminary plat. But, as a general rule, if a preliminary plat is approved and the final plat conforms with the approved preliminary plat and with the other requirements of this chapter, the final plat will be approved. The commission and the council act independently of each other in the plat review process, and the approval of the preliminary plat and final plat by each is required. They, or it, as appropriate, may approve, approve conditionally, or disapprove a plat. In the case of conditional approval, if a subdivider does not accept the conditions, the plat shall be disapproved, and in the absence of

express disapproval is deemed disapproved. If a plat is approved with conditions accepted by the developer, such conditions thenceforth shall be and constitute part of the plat, and the plat shall be altered, changed, modified and/or accompanied by such information and other documents as required by the approved conditions.

Secs. 54-78—54-90. Reserved.

DIVISION 2. MINOR PLATS, AMENDING PLATS, AND VACATING PLATS

Sec. 54-91. Definitions.

[The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Minor plat. A minor plat is any plat for four or fewer lots fronting on an existing paved street and not requiring the creation of any new street or extension of municipal facilities.

Amending plat. An amending plat is any plat meeting the definition in V.T.C.A., Local Government Code § 212.016.

Vacating plat.

(1) A vacating plat allows any final plat or any part of any final plat to be vacated by the owners of the tract at any time before any lot in the plat is sold.

(2) A vacating plat shall operate to destroy the force and effect of the recording of the final plat so vacated and to divest all public rights to the streets, areas and public grounds and dedications laid out and described in such final plat.

(3) If lots subject to the vacating plat have been sold, the final plat, or any part of the final plat, may be vacated on the application of all owners of the lots subject to the final plat with approval obtained in the manner prescribed for the original plat.

Sec. 54-92. Appointment of designated employee as administrator.

The council shall appoint, by resolution, a city employee to serve as the designated employee for the purposes of administering this division. In the absence of such appointment or if the designated employee fails or ceases to serve or continue to serve as such, the city manager shall serve as the designated employee.

Sec. 54-93. Content requirements and review process.

(a) Any new lots created with minor, amending and vacating plats shall be responsible for the payment of lot/acreage fees as provided in chapter 66. Additionally, the submission of any minor plat shall be accompanied by a topographical survey and/or a submission of a letter from the associated surveyor/engineer outlining any additional runoff created and the methods to address same.

~~(b) Minor, amending, and vacating plats shall be prepared by a Texas registered professional land surveyor and shall contain the appropriate descriptors and information as a final plat.~~

~~(c) The minor, amending or vacating plat shall be filed with the designated employee. Filing is accomplished by delivering the original and five copies of the minor, amending, or vacating plat to the designated employee. The designated employee shall, within 30 days after filing, either approve the minor, amending, or vacating plat or refer it to the commission. If he fails to either approve it or refer it within such period of time, it shall be deemed referred to and filed with the commission effective on the 31st day after it was originally filed with the designated employee. If it is referred to the commission, whether such referral is actual or deemed, the plat shall be from that point treated as any other plat to which this article did not apply.~~

~~Sec. 54-94. Endorsement by city and recording.~~

~~If approved by the designated employee, the minor, amending, or vacating plat shall be and constitute a final plat for all intents and purposes, and notwithstanding anything in this chapter to the contrary, shall, on being fully and properly endorsed by the designated employee, and the engineer or surveyor, be recorded in the real property records of the county as the final, approved plat of the subdivision.~~

~~Secs. 54-95—54-105. Reserved.~~

~~DIVISION 3. PRELIMINARY PLAT~~

Sec. 54-77 Development of contiguous property.

If a developer owns contiguous property and intends to develop it in stages or by units, and/or to presently develop only a part of it under a final plat covering only that portion of his/her property to be immediately developed, leaving the balance of it for later development, he/she shall, in the preliminary plat, include all of his/her property, not just that portion of it which he/she intends to finally plat for immediate development, in part, for the purposes, among others, of assuring compliance with the city master plan and its future plans regarding drainage, traffic, roadways, and utilities. As part of the preliminary plat approval in such cases, the commission and the council may establish a schedule for development of the contiguous property and filing of the final plat or plats applicable thereto, and, if such a schedule is established, failure to file a final plat on schedule shall result in automatic termination of the preliminary plat, provided that the commission and council may extend the time for filing a final plat or waive or excuse failure to file timely.

Sec. 54-~~106~~78. ~~Contents.~~ Preliminary Plat.

The preliminary plat must:

(1) Describe the subdivision by metes and bounds;

(2) Locate the subdivision with respect to a corner of the survey or tract or an original corner of the original survey of which it is a part;

(3) Show the boundary lines of the area to be subdivided with accurate distance and angles;

(4) State and describe the location and dimensions of each proposed lot, block, building line setback, street, alley, park, easement, and other part of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, park, or other part;

(5) Contain the certification of the surveyor responsible for surveying the subdivision area, attesting to its accuracy;

(6) Contain the certification of the engineer responsible for the preparation of the plat and supporting data, attesting to its accuracy;

(7) Be drawn to scale at one inch equals 100 feet and state the scale;

(8) Show the locations, dimensions and names of existing streets and any blocks, lots, alleys, building lines and natural watercourses and other natural features and any other significant information on all sides for a distance of not less than 200 feet from the area proposed to be subdivided;

(9) Show the boundary lines of adjoining property;

(10) Show the locations, dimensions and names of existing, adjoining streets and alleys and the line of departure of each street from another;

(11) State the proposed names of streets in the subdivision, which names must conform to the names of existing streets of which they may be or become extensions, and may not otherwise duplicate or conflict with the recognized name of any other street within the city;

(12) Show the locations of all existing utilities to which the developer proposes to connect in order to provide service to the subdivision and proposed ~~onsite,~~ sanitary ~~existing~~ sewers, water lines, and gas mains and other public utilities;

(13) Describe the street lighting plan and specify the location and type of all street lighting proposed

~~(13)~~(14) Show a general plan for stormwater drainage sufficiently detailed to indicate the locations of drainage ditches or structures and the direction of flow;

~~(14)~~(15) Show the boundaries of each existing zoning district in the area being platted and state any proposed changes in zoning for which application will be made;

~~(15)~~(16) Show the lines of departure of each street from another;

~~(16)~~(17) State the proposed name of the subdivision, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision located within San Patricio County ~~the city or its extraterritorial jurisdiction~~;

~~(17)~~(18) State the name, residence and business addresses and telephone numbers of the subdividers, owners, engineer and surveyor;

~~(18)~~(19) Be accompanied by a copy of all private covenants and restrictions applicable to the land; and

~~(19)~~(20) Be accompanied by a copy of any existing plat covering the land sought to be subdivided.

Sec. 54-107. Development of contiguous property.

If a developer owns contiguous property and intends to develop it in stages or by units, and/or to presently develop only a part of it under a final plat covering only that portion of his/her property to be immediately developed, leaving the balance of it for later development, he/she shall, in the preliminary plat, include all of his/her property, not just that portion of it which he/she intends to finally plat for immediate development, in part, for the purposes, among others, of assuring compliance with the city master plan and its future plans regarding drainage, traffic, roadways, and utilities. As part of the preliminary plat approval in such cases, the commission and the council may establish a schedule for development of the contiguous property and filing of the final plat or plats applicable thereto, and, if such a schedule is established, failure to file a final plat on schedule shall result in automatic termination of the preliminary plat, provided that the commission and council may extend the time for filing a final plat or waive or excuse failure to file timely.

Sec. 54-108. Review process.

(a) The preliminary plan or plat must first be filed with the commission. Filing is accomplished by delivering the original and five copies of the plat to the city building official.

(b) The commission shall, within 30 days after filing, either approve, approve with conditions, or disapprove the preliminary plan or plat. The preliminary plat is deemed approved by the commission, unless it is disapproved within the 30-day period and in accordance with V.T.C.A., Local Government Code § 212.009.

(c) If the preliminary plat is approved by the commission, whether such approval will be actual or deemed, then, within 30 days after the preliminary plat is approved by the commission or is deemed approved by the inaction of the commission, the council shall either approve, approve with conditions, or disapprove the preliminary plat. The preliminary plat is deemed approved by the council, unless it is disapproved within the 30-day period, and in accordance with V.T.C.A., Local Government Code § 212.009

(d) The 30-day period under [subsections] (b) and (c) may be extended for up to an additional 30 days if the applicant requests the extension in writing and the commission or council, as applicable, agrees.

Sec. 54-109. Replatting; additional requirements.

(a) This section incorporates the requirements of V.T.C.A., Local Government Code §§ 212.014 and 212.015, and is applicable to replats of land subject to existing plats where the existing plat has not been vacated.

(b) If the land sought to be subdivided is subject to an existing plat, the commission and the council shall each hold a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard.

(c) The public hearing held by the commission must be held before the commission approves the plat. The public hearing held by the council must be held before the council approves the plat.

(d) The commission and the council may conduct a joint public hearing.

(e) Notice of the hearing shall be given before the 15th day before the date of the hearing by publication in the official newspaper of the city or in a newspaper of general circulation in the county.

Sec. 54-110. Replat without vacating preceding plat.

(a) In addition to the requirements in section 54-109 a replat without vacating the preceding plat must conform to this section, if during the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or any lot in the preceding plat is limited by deed restrictions to residential use for not more than two residential units per lot pursuant to V.T.C.A., Local Government Code § 212.015(a)(1) and (2) and the land being replatted was not designated or reserved for something other than single-family or duplex use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat pursuant to V.T.C.A., Local Government Code § 212.015(e).

(b) Notice of the public hearing shall be given before the 15th day before the date of the hearing by written notice, with a copy of subsections (b) through and including (e) of this section attached, served by the city building official or anyone designated by him on the owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision within the extraterritorial jurisdiction of the city, the most recently approved county tax roll. The written notice may be personally served on an owner or it may be served by depositing the notice, properly addressed with postage prepaid, in a U.S. Postal Service depository within the boundaries of the city. Service of notice is effective in the event of personal delivery on date of delivery and in the event of mailing on the date of deposit in the U.S. Postal Service depository.

(c) An owner of property who is entitled to written notice of the public hearing under this section and whose property is within the original subdivision may protest the replat.

(d) A protest is valid only if it is in writing, signed by the owner, and filed with the body holding the hearing before the close of the public hearing.

(e) If the replat requires a variance and is protested by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, then the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the commission and three-fourths of the members present of the council pursuant to V.T.C.A., Local Government Code § 212.015(c). However, in no event shall less than four affirmative votes be required for council action, except where conflict of interest precludes such minimum.

(f) In computing the percentage of land area under subsection (d) of this section, the area of streets and alleys shall be included.

(g) The replat must be signed and acknowledged by the owners of the property being replatted and must not attempt to remove any covenants or restrictions.

(Code 1979, ch. 9, § 1(art. V, § 2(D)(5), (6)); Ord. No. 589, § 2, 10-26-93)

~~**Secs. 54-111—54-120. Reserved.**~~

~~***DIVISION 4. FINAL PLAT***~~

Sec. 54-~~121~~79. ~~Contents.~~ Final Plat.

The final plat must:

(1) Contain all information and meet the requirements stated under section 54-~~106~~78 for preliminary plats. However, such information, where possible, shall be more detailed and specific.

(2) Be in conformity with the preliminary plat as approved by the commission and the council, and meet all the conditions of such preliminary plat.

~~(3) Describe the street lighting plan and specify the location and type of all street lighting proposed.~~

~~(4)~~(3) Show all lots and blocks designated by numbers or by letters.

~~(5)~~(4) Show the radii, areas or chords, points of tangency and central angles for all curvilinear streets and the radii for rounded corners.

~~(6)~~(5) State the locations and descriptions of all survey monuments.

~~(7)~~(6) Contain the acknowledgment of all owners and lienholders to the plat, including dedication to public use of all streets, alleys, parks, easements and other areas or facilities dedicated or granted to the public.

(7) Certificate from the Registered Surveyor.

(8) Contain signature blocks for the Planning & Zoning Commission (Chair and Vice Chairman); City Council (Mayor and Secretary); Format for recording information from San Patricio County.

~~(8)~~(9) Be accompanied by detailed plans and specifications of and for construction of all public improvements including, but not limited to, plats, sketches, and other satisfactory written descriptions, showing such features as roadways, cross sections and longitudinal slope of drainage, full description of proposed pavement or street improvements, its grade and slope, dimensions and specifications concerning public utilities to be installed showing proposed position on the ground, specifications of materials and construction, and profile maps of all sanitary and storm sewers showing both ground surface and flow line, and any other pertinent information of a similar nature.

~~(9) Show the locations of all offsite and onsite existing sewers, water and gas mains and other public utilities to which the developer proposes to connect in order to provide service to the subdivision.~~

~~(10) Set forth detailed cost estimates for the construction of all public improvements.~~

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~~**Sec. 54-122. Review process.**~~

~~(a) The expression "final plat," when used in this division, includes the final, detailed construction plans and specifications for construction of all public improvements.~~

~~(b) Within six months after a preliminary plat has been approved by the commission and the council, the final plat shall be filed with the commission. Filing is accomplished by delivering the original and five copies of the final plat to the city building official. If not so filed, the plat and application of the subdivider shall be deemed abandoned and preliminary plat approvals previously given nullified. In the case of a development which is to be done in stages or by units with a preliminary plat, which is still active and in effect, the filing of a final plat shall extend the life of the preliminary plat an additional six months from the date of filing each time a final plat is approved even though each final plat covers only a portion of the property covered by the preliminary plat.~~

~~(c) The commission shall, within 30 days after filing, either approve or disapprove the final plat. The final plat is deemed approved by the commission, unless it is disapproved within the 30-day period or within such longer time as may be agreed upon by the developer and the commission.~~

~~(d) If the final plat is approved by the commission, whether such approval will be actual or deemed, then, within 30 days after the final plat is approved by the commission, or is deemed approved by the inaction of the commission, the council shall either approve or disapprove the final plat. The final plat is deemed approved by the council, unless it is disapproved within the 30-day period or within such longer time as may be agreed upon by the developer and the council.~~

~~(e) The 30-day period under [subsections] (c) and (d) may be extended for up to an additional 30 days if the applicant requests the extension in writing and the commission or council, as applicable, agrees.~~

Sec. 54-123~~80~~. Construction of improvements.

(a) *In conformity with final plat.* ~~If the final plat has been approved~~ Upon final plat approval by the commission and the council, the Developer shall apply for and obtain a site utility & infrastructure permit to install all required ~~the~~ public improvements, streets and utilities provided for in the final plat. All construction shall be ~~constructed~~ in conformity with the plans and specifications approved as part of the final plat. The cost for the site utility and infrastructure permits hall be borne by the Developer.

(b) *Construction Observation.* Routine observation and inspection of the construction shall be conducted by the City or their designated representatives. Observation and inspection frequency shall be sufficient to assure that the construction complies with the plans and specifications. The cost for City observation and inspection shall be borne by the City.

(c) *Materials Testing.* The City shall engage the services of a materials testing firm to perform tests on the materials as construction progresses. The testing intervals and frequency shall be as stated on the approved public improvement plans and in accordance with all City adopted standards. The cost for materials testing services shall be the responsibility of the City.

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~~(b)~~(d) *Completion deadline; extension.* Construction must be completed within ~~six~~ twelve months after the approval of the final plat by the commission, provided that such time may be extended by the council.

~~(c)~~(e) *Developer's warranty.* The developer, contractors and subcontractors, upon completion of construction, shall provide a one-year warranty to the city that all improvements are free of defects in workmanship and design and free of faulty materials.

~~(d)~~(f) *Filing of as-built plans.* Upon the completion of construction, an electronic set of reproducible record drawings ~~two sets of reproducible tracing as-built final plans,~~ dated, signed and certified by the developer's engineer in charge shall be filed with the city ~~building official~~ showing all features as actually installed, including materials, size, locations, depth, elevation, ends of lines, valves, fitting, storm sewer lines, inlets and other pertinent items. The utility department of the city shall make no connections to such utilities until this section has been complied with.

~~(e) *Bond.* The subdivider shall file with the council a bond, executed by a surety company holding a license to do business in the state, and acceptable to the council, in an amount equal to 100 percent of the cost of the improvements as estimated by the city building official, conditioned that the subdivider will maintain such improvements in good condition for a period of one year after completion of construction.~~

Sec. 54-~~124~~81. Endorsement by city; recording.

(a) *Signatures by officers.* Every final plat which has been approved by the commission shall be signed by the chairman and ~~secretary~~ vice chairman of the commission and by the mayor and city secretary of the city.

(b) *Approval by commission.* No final plat may be signed by city representatives, until it has been approved by the commission after full compliance with the requirements of this chapter.

(c) *Expiration or resolution of appeals.* No final plat may be signed by city representatives until the time for appeal has expired or until the appeal, if any, from an approval decision has been resolved.

(d) *Recording.* Every final plat which has been signed by the appropriate city representatives must be recorded in the appropriate real property records of the office of the county clerk.

(e) *Completion of improvements or sufficient security required.* No final plat may be signed by city representatives or recorded in the real property records of the county until either:

(1) The improvements have been completed in conformity with the plans and specifications approved as part of the final plat and the warranty, and as-built final plans~~, and maintenance bond~~ required by this section have been delivered to the city~~; or~~

(2) Security meeting the requirements of subsection (h) of this section has been given to the city~~, and the maintenance bond has been delivered to the city~~.

(f) *Completion according to approved plans and specifications.* Public improvements constructed by an owner or subdivider as part of the subdivision process will not be accepted by the council, unless and until the improvements are completed in accordance with the plans and specifications approved by the commission and council.

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(g) *Limitations of approval.* Approval of a final plat does not constitute acceptance of any proposed dedication and does not impose on the city any duty regarding the maintenance or improvement of any dedicated parts, until the city makes ~~an actual appropriation~~ a formal acceptance of the dedicated parts by entry, use, or improvement.

(h) *Conditions for security in lieu of completed construction.* The council may, in its discretion, accept security in lieu of completed construction as a condition precedent to signature and recording of the final plat; provided, however:

(1) The security must be in the form of a cash deposit or letter of credit;

(2) The security must be in an amount at least sufficient to complete construction of all improvements without cost to the city;

(3) If the security is a letter of credit, it must be issued by a bank or other financial institution approved by the council; and

(4) The terms, provisions and conditions of any deposit agreement or letter of credit must be approved by the city council.

~~***DIVISION 5. FINAL AND PRELIMINARY PLATS/DISAPPROVALS AND CONDITIONAL APPROVALS***~~

~~**Sec. 54-125. Approval procedure—Conditional approval or disapproval requirements.**~~

~~(a) A municipal authority or governing body that conditionally approves or disapproves a plan or plat under this subchapter shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval.~~

~~(b) Each condition or reason specified in the written statement:~~

~~(1) Must:~~

~~a. Be directly related to the requirements under this subchapter; and~~

~~b. Include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval, if applicable; and~~

~~(2) May not be arbitrary.~~

~~**Sec. 54-126. Same—Applicant response to conditional approval or disapproval.**~~

~~After the conditional approval or disapproval of a plan or plat under section 54-126, the applicant may submit to the municipal authority or governing body that conditionally approved or disapproved the plan or plat, a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided. The municipal authority or governing body may not establish a deadline for an applicant to submit the response.~~

~~**Sec. 54-127. Same—Approval or disapproval of response.**~~

~~(a) A municipal authority or governing body that receives a response under section 54-126 shall determine whether to approve or disapprove the applicant's previously conditionally approved~~

~~or disapproved plan or plat not later than the 15th day after the date the response was submitted.~~

~~(b) A municipal authority or governing body that conditionally approves or disapproves a plan or plat following the submission of a response under section 54-126:~~

~~(1) Must comply with section 54-125; and~~

~~(2) May disapprove the plan or plat only for a specific condition or reason provided to the applicant under section 54-125.~~

~~(c) A municipal authority or governing body that receives a response under section 54-126 shall approve a previously conditionally approved or disapproved plan or plat if the response adequately addresses each condition of the conditional approval or each reason for the disapproval.~~

~~(d) A previously conditionally approved or disapproved plan or plat is approved if:~~

~~(1) The applicant filed a response that meets the requirements of subsection (c); and~~

~~(2) The municipal authority or governing body that received the response does not disapprove the plan or plat on or before the date required by subsection (a) and in accordance with section 54-125.~~

Secs. 54-~~128~~82—54-~~145~~90. Reserved.

ARTICLE IV. MINOR PLATS, AMENDING PLATS AND VACATING PLATS

Sec. 54-91. 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:

Minor plat. A minor plat is any plat for four or fewer lots fronting on an existing paved street and not requiring the creation of any new street or extension of municipal utilities.

Amending plat. An amending plat is any plat meeting the definition in V.T.C.A., Local Government Code § 212.016.

Vacating plat.

(1) A vacating plat allows any final plat or any part of any final plat to be vacated by the owners of the tract at any time before any lot in the plat is sold.

(2) A vacating plat shall operate to destroy the force and effect of the recording of the final plat so vacated and to divest all public rights to the streets, areas and public grounds and dedications laid out and described in such final plat.

(3) If lots subject to the vacating plat have been sold, the final plat, or any part of the final plat, may be vacated on the application of all owners of the lots subject to the final plat with approval obtained in the manner prescribed for the original plat.

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Sec. 54-92. Appointment of designated employee as administrator.

The council shall appoint, by resolution, a city employee to serve as the designated employee for the purposes of administering this article. In the absence of such appointment or if the designated employee fails or ceases to serve or continue to serve as such, the city manager shall serve as the designated employee.

Sec. 54-93. Content requirements and review process.

(a) Any new lots created with minor, amending, and vacating plats shall be responsible for the payment of any fees as provided in chapter 66 - Utilities. Additionally, the submission of any minor plat shall be accompanied by a topographical survey and/or a submission of a letter from the associated surveyor/engineer outlining any additional runoff created and the methods to address same.

(b) Minor, amending, and vacating plats shall be prepared by a Texas registered professional land surveyor and shall contain the appropriate descriptors and information as a final plat.

(c) The minor, amending or vacating plat shall be filed with the designated employee. Filing is accomplished by delivering the original and five copies of the minor, amending, or vacating plat to the designated employee. The designated employee shall, within 30 days after filing, either approve the minor, amending, or vacating plat or refer it to the commission. If he fails to either approve it or refer it within such period of time, it shall be deemed referred to and filed with the commission effective on the 31st day after it was originally filed with the designated employee. If it is referred to the commission, whether such referral is actual or deemed, the plat shall be from that point treated as any other plat to which this article did not apply.

Sec. 54-94. Endorsement by city and recording.

If approved by the designated employee, the minor, amending, or vacating plat shall be and constitute a final plat for all intents and purposes, and notwithstanding anything in this chapter to the contrary, shall, on being fully and properly endorsed by the designated employee, and the engineer or surveyor, be recorded in the real property records of the county as the final, approved plat of the subdivision. The county clerk shall write legibly on the vacated plat the word "vacated" and shall enter on the plat a reference to the volume and page at which the vacating instrument is recorded.

Secs. 54-95 – 54-99. Reserved.

ARTICLE V. VARIANCES

Sec. 54-100. Authorization of council and commission required.

The commission and council may authorize a variance from this chapter when, in their opinion, undue hardship will result from requiring strict compliance. The approval of the variance

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by both the commission and the council is required. Pecuniary hardship to the subdivider, standing alone, does not constitute undue hardship.

Sec. 54-101. Required findings.

(a) The commission and the council must make certain findings before they can grant a variance. In making these findings, they shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity. No variance shall be granted unless they find that:

(1) There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the subdivider of the reasonable use of his land.

(2) The variance is necessary for the preservation and enjoyment of a substantial property right of the subdivider.

(3) The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

(4) The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this chapter.

(b) Such findings, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the commission and council meetings at which such variance is granted.

Sec. 54-102. Harmony of variance with chapter's purpose and intent.

Variances may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety, and welfare are secured, and substantial justice done.

Sec. 54-103. Majority vote required.

No variance may be granted under this division except on the affirmative vote of at least three-fourths of the members present of the commission and three-fourths of the members present of the council. However, in no event shall less than four affirmative votes be required for council action, except where conflict of interest precludes such minimum.

Sec. 54-104. Conditions for granting.

In granting variances, the commission and council shall require such conditions as will, in their judgment, secure substantially the objectives of the standards or requirements so varied, and the variance granted shall be the minimum necessary to correct the situation.

Sec. 54-105. Zoning special permits and PUDs.

The platting ordinance imposes certain requirements upon platted properties, both by express provisions set forth within the platting ordinance and by reference to provisions which are set forth in other ordinances, including the zoning ordinance. The city council may grant special permits or grant planned unit development zoning district designation under the zoning ordinance which vary the requirements applicable to a plat. To the extent of conflict, the special permit or PUD district designation granted under the zoning ordinance shall control for purposes of determining compliance of applicant with subdivision and platting rules. If platting is required, then plat approval must be conditioned on grant of the zoning special permit or grant of PUD designation.

ARTICLE VI. APPEALS

Sec. 54-106. Rights of subdivider to contest disapproval and city to contest approval.

A subdivider contesting commission disapproval based on a claim of error in commission interpretation or application of any rule, standard, regulation, or requirement set forth in this chapter, shall have the right to appeal to the council. City management staff contesting commission approval based on a claim of error in commission interpretation or application of any rule, standard, regulation, or requirement set forth in this chapter, shall have the right to appeal to the council.

Sec. 54-107. Request for rehearing; time limit for decision; grant of hearing.

(a) The appellant must first request rehearing before the commission. The request must be in writing, signed by the appellant, and filed with the city administrative officer no less than ten days after the commission decision appealed from and must specify in detail each error claimed.

(b) The commission shall, within 30 days after the request is filed, either deny or grant the request for rehearing. If not granted within the 30-day period, the request shall be deemed denied on the 31st day.

(c) If granted, the hearing shall be held within 30 days after the request is granted.

(d) The decision of the commission shall be made at the conclusion of the hearing.

Sec. 54-108. Rehearing denied or granted; notice of appeal; amendment of notice; hearing; decision.

(a) If a rehearing is denied, within ten days after denial, or, if rehearing is granted, within ten days after the hearing, the appellant must file a notice of appeal with the city administrative officer.

(b) The notice must be in writing, signed by the appellant and must specify in detail the errors claimed.

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(c) The commission, in the event of appeal by a subdivider, shall file written notice of all reasons for its decision to disapprove, unless this notice is waived by the council.

(d) The appellant and commission may amend their notices at any time before three days prior to the commencement of the council hearing.

(e) The council shall hold a hearing on the appeal within 30 days after the appellant's notice of appeal is filed.

(f) At the hearing, the council shall determine only the matters described in the notices and responses thereto filed by the appellant and the commission and other matters deemed by it to be, in its discretion, appropriate.

Sec. 54-109. Decision; reversal of disapproval; reversal of approval.

(a) The council shall make its decision at the conclusion of the hearing.

(b) The council may reverse a commission plat disapproval only if:

(1) The commission was in error in its interpretation or application of any rule, standard, regulation, or requirement set forth in this chapter; and

(2) The plat would not have been disapproved but for such error.

(c) The council may reverse a commission plat approval only if the commission was in error in its interpretation or application of any rule, standard, regulation, or requirement set forth in this chapter.

(d) If the council reverses the decision of the commission, the plat shall be deemed approved or disapproved, in accordance with the council decision, by the commission as of the date of the council reversal of the commission decision.

Secs. 54-110 – 54-145. Reserved.

ARTICLE ~~IV~~II. SUBDIVISION DESIGN STANDARDS

Sec. 54-146. Streets.

(a) *Conformance to general plan.* The arrangement, character, extent, width, grade and location of all streets shall conform to the general plan for the city, and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by such streets.

(b) *Arrangements.* Where such is not shown in a general plan for the city, the arrangements of streets in a subdivision shall either:

(1) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

(2) Conform to a plan for the neighborhood approved by the commission and council to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

(c) *Minor streets.* Minor streets shall be so laid out that their use by through traffic will be discouraged.

(d) *Existing or proposed arterial streets or highways.* Where a subdivision abuts or contains an existing or proposed main arterial street or highway, the commission and council may require marginal access streets. They may require screen planting, nonaccess reservation along the front or rear property lines, and such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(e) *Railroad or limited access highway right-of-way.* Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the commission and council may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in appropriate districts. Such distance shall also be determined with due regard for the requirements of approach grades and future grade separations.

(f) *Reserve strips.* Reserve strips controlling access to streets shall be prohibited, except where their control is definitely placed in the city under conditions approved by the commission and council.

(g) *Jogs to be avoided.* Street jogs with centerline offsets less than 125 feet long shall be avoided.

(h) *Tangents.* A tangent at least 100 feet long shall be introduced between reverse curves or arterial and collector streets.

(i) *Intersecting at right angles.* Streets shall be laid out so as to intersect as nearly as possible at right angles.

(j) *Property lines to be rounded.* Property lines at street intersections shall be rounded with a radius of ten feet or of a greater radius where the commission and council may deem it necessary.

(k) *Right-of-way widths.* Street right-of-way widths shall be as shown in the general plan for the city, and where not shown therein shall be as follows:

Street Types	Right-of-way Width (in feet)
Major thoroughfares	80
Collector	60
Minor for apartments	60
Minor for other residences	50
Marginal access	38

(l) *Half streets.* Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of this chapter and where the commission and council find it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street has already been

provided adjacent to a tract to be subdivided, the other remaining half of the street shall be platted within such subdivision.

(m) *Dead-end streets (cul-de-sac).* Dead-end streets, designed to be so permanently, shall not be longer than 500 feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least 80 feet, and a street property line diameter of at least 100 feet as measured from back of curb to back of curb.

~~(n) *Grades.* Street grades shall be established considering topography, contemplated land use, and the exiting city drainage plan and facilities in the area surrounding the land to be subdivided, provided that the minimum street grade shall be two-tenths of one percent. No land shall be rejected for a subdivision for failure to provide for greater street grade than that contained in this chapter.~~

~~(o) *Flood design section for roadway.* The flood design section for a roadway shall be taken from the back of walk to the back of walk, provided that in no case shall the height of curbs for a subdivision be more than six inches. The runoff factor used in design of storm sewers shall be a minimum of 1 3/10cubic feet per second per acre for a minimum time of ten minutes.~~

Sec. 54-147. Alleys.

(a) *Provided in commercial and industrial districts.* Alleys shall be provided in commercial and industrial districts, except that the commission and council may waive this requirement where other definite and ensured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.

(b) *Minimum width.* The minimum width of an alley shall be 20 feet.

(c) *Intersections and sharp changes.* Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

(d) *Dead-end alleys.* Dead-end alleys shall be avoided, where possible but, if unavoidable, shall be provided with adequate turnaround facilities at the dead end, as determined by the commission and council.

Sec. 54-148. Easements.

(a) *Utility.* Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be ~~at least~~ a minimum of ten feet wide. Easement shall be provided to accommodate all utilities needed to provide service to homes within the subdivision and may be required outside of and parallel to the street right of way.

(b) *Drainage.* Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

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Sec. 54-149. Blocks.

The lengths, widths and shapes of blocks shall be determined with due regard to:

(1) *Adequate building sites.* Provision of adequate building sites suitable to the special needs of the type of use contemplated.

(2) *Zoning requirements.* Zoning requirements as to lot sizes and dimensions.

(3) *Convenient access.* Convenient access is needed for circulation control, and safety of street traffic.

(4) *Block lengths.* Block lengths shall not exceed 1,600 feet.

(5) *Topography.* Limitations and opportunities of topography.

Sec. 54-150. Lots.

(a) *Size.* The lot size, width, depth, shape, and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development. The standards for dimensions are set forth by the zoning chapter of this Code, chapter 78.

(b) *Dimensions.* Dimensions of lots shall be as follows:

(1) Residential lots where not served by public sewer shall not be less than 65 feet wide at the front property line, nor have an area less than one-half acre or such greater area as prescribed for health and sanitation purposes under this chapter. Such lots shall be laid out keeping in mind the possibility of resubdivision when sanitary sewer service might become available.

(2) Depth and width of properties served or laid out for church, club or other semipublic use or for business or industrial purpose shall be adequate to provide for off-street service and parking facilities required by the type of use and development contemplated.

(c) *Corner lots.* Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both sides. When the garage entrance is on the side street, the building line for the garage structure shall be 20 feet minimum distance from the property line. When such lots side upon a major thoroughfare or collector street, no driveway or garage entrance shall enter on such thoroughfare or collector street, and a note to this effect shall be properly entered on the plat to be recorded.

(d) *Access to be provided.* The subdivision of the land shall be such as to provide each lot with satisfactory frontage and access to a~~n existing~~ public street.

(e) *Double frontage and reverse frontage lots.* Double frontage and reverse frontage lots shall be avoided, except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A platting screen easement of at least ten feet, across which there shall be no right of access, shall be provided along the lines of lots abutting such a traffic artery or other disadvantaged use.

(f) *Side lot lines.* Side lot lines shall be substantially at right angles or radial to street lines.

(g) *Channels and waterways.* Lots designed for frontage on channels and waterways shall be protected by bulkheads designed to acceptable standards. All waterways shall be considered

a part of abutting lots and shall be maintained by owners associations. Waterfront lots shall extend to the centerline of the waterway.

(h) All lots as measured at street frontage extending to the main building shall be ~~60~~ 50 feet wide or greater. Cul-de-Sac lots shall have sufficient frontage for a 50' width at the building line. ~~Consideration by planning and zoning and city council shall be given for street frontage lots of curved streets and cul-de-sacs.~~

Sec. 54-151. Parks.

(a) *General policy.* Public parks are crucial factors in the quality of life in an urban living environment. The area of park land and the nature and quantity of improvements required are proportionate to the number of people residing in the community generally, and, more particularly, to the number of people residing in the near vicinity of the park. New residential development should provide and/or pay for park land and park improvements required to service the people living in those new developments. The method herein provided whereby developers either dedicate park land or pay cash in lieu of dedication is a fair and equitable method of effecting a proportionate exaction of costs from said new developments for the creation and improvement of parks to service those developments. The development of the City's Park system shall be in accordance with the adopted Parks Master Plan.

(b) *Applicability of section.* Unless and except to the extent expressly exempted, this section applies to the subdivision of all land which is zoned R-1, Single-Family Residential; R-2, Two-Family Residential; R-3, Three- and Four-Family Residential; and M, Multifamily, or which is to be used for residential purposes. The following are exempt from the application of this section:

(1) Subdivisions in which the expected residents, i.e. the total number of persons expected to reside in the subdivision, will be less than fifteen (15);

(2) Where the use of the lot is not clearly indicated or known, either from the plat itself, deed restrictions, other records, or the subdividers expressed intent, the park dedication requirements of this section will not be applied to said lot at the platting stage of its development. Once the use is known, the park dedication requirements as outlined herein will be applied at the time of building permit application.

(c) *Definitions.* In this section the words hereinafter listed shall have the meanings provided with respect to each as follows:

(1) *Dwelling unit* means one or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.

~~(2) *Expected residents* means the number of people expected to reside in the subdivision. For purposes of calculating the number of people expected to reside in subdivisions under this section, it shall be conclusively presumed that in each single-family dwelling unit three and one-half (3.5) people will reside and in each non-single-family dwelling unit two and one-half (2.5) people will reside.~~

~~(3)~~(2) *Non-single-family dwelling unit* means all dwelling units other than single-family. Also referred to as Multifamily.

~~(4)~~(3) *Park dedication formula* means the formula required by this section in order to determine the amount of land which is required to be dedicated.

~~(5)~~(4) *Public park* or *park* means an area reserved for the recreational use of the public. It is not required that the area have any particular improvements for it to constitute a public park. The park may be a green belt area without any particular type of improvement upon it.

~~(6)~~(5) *Single-family dwelling unit* means a residential building containing not more than one dwelling unit entirely surrounded by open space on the same lot.

(d) *Dedication required.* The subdivider shall be required, at the city's option, to either:

(1) For single-family dwelling units, ~~D~~dedicate to the city three hundred (300) square feet of land for each ~~three and one-half (3.5) expected residents~~ for each unit, and for non-single family dwelling units, dedicated to the city two hundred fifteen (215) square feet of land for each unit, which land shall be located within the subdivision. For subdivisions with both single-family and non-single-family housing types, the appropriate dedication requirement shall apply proportionately; or

(2) Pay to the city cash in lieu of dedication equal to the fair market value of the subdivision land which would otherwise be required to be dedicated; or

(3) Dedicate some land and pay some cash to the city, a combination of the two alternatives aforesaid, in a manner consistent with the park dedication formula.

The method of satisfying the park dedication requirement shall be approved by the City Council.

(e) *Park dedication formula.* The park dedication formula will differ depending upon the number of dwelling units of each type which will be located in the subdivision~~, because the number of expected residents in a dwelling unit depends on the type of dwelling unit.~~ The park dedication formula with respect to single-family dwelling units is as follows: Number of dwelling units planned to be located in the subdivision x ~~3.5 expected residents per dwelling unit = the number of expected residents in the subdivision divided by 3.5 x~~ 300 square feet = required park land dedication. The park dedication formula with respect to non-single-family dwelling units is as follows: Number of dwelling units planned to be located in the subdivision x ~~2.5 expected residents per dwelling unit = the number of expected residents in the subdivision divided by 3.5 x 300~~ 215 square feet = required park land dedication.

(1) An illustration of the park land dedication formula follows:

a. Single-Family Dwelling - ~~10~~20 units x ~~3.5~~ 300 square feet per unit = ~~35 head count~~ 6,000 square feet

~~The head count of 35 is divided by 3.5 to equal 10 then multiplied by 300 square feet to obtain 3000 square feet required dedication~~

(2) Multi-family Dwellings ~~uses the same process~~: ~~10~~ 50 units x ~~2.5~~ 215 square feet per unit = ~~25 head count~~ 10,750 square feet

~~The head count of 25 is divided by 3.5 to equal 7.14 then multiplied by 300 square feet to obtain 2142 square feet required dedication.~~

(f) *Limitation.* If the park dedication formula would result in a dedication of park land constituting more than five (5) percent of the subdivision land, exclusive of streets, the city may not compel a park land dedication exceeding said five (5) percent and must accept cash in lieu with respect to the excess.

(g) *Fair market value.* The fair market value of the land shall be the most probable price, as of the then current date, in cash, or in terms equivalent to cash, for which the property should sell after reasonable exposure in a competitive market under all conditions requisite to fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under undue duress, assuming the highest and best use of the property to be the use for which it is going to be used and which is precipitating the application of the park dedication hereby required, residential use. If the City and developer cannot agree on the fair market value an appraisal shall be performed at the developer's expense.

(h) *Land outside subdivision.* The land, the dedication of which is required under this section, must be located within the subdivision, unless the city and subdivider otherwise agree. The city and subdivider may agree upon dedication of land located outside the subdivision in lieu of land located within the subdivision or in lieu of the cash which could otherwise be required by the city. If taken in lieu of land which would otherwise be required to be dedicated within the subdivision, the outside land can be accepted square foot for square foot in satisfaction of said requirement or if taken in lieu of the cash which would otherwise be required it shall be accepted as a credit against the cash obligation to the extent of its fair market value.

(i) *Use of land and funds.* All land, the dedication of which is required under this section, must be used by the city for public park and public park purposes as herein defined. All funds paid by the subdivider to the city in lieu of park land dedication shall be used by the city for park purposes, either to purchase park land or to improve a park or parks, which can service the subdivision. Said improvements may include landscaping, equipment, hiking or biking trails, or similar improvements, or other improvements which enhance the recreational or aesthetic potential of the park. Said parks may also service other areas and subdivisions.

(j) *Payout of cash in lieu.* The city may allow the cash in lieu to be paid out over time, with interest and security.

(k) *Management of funds.* The funds shall be utilized by the city when the city, in its discretion, determines that the needs of the subdivision and surrounding areas justify the expenditure and it is economically reasonable. Said determination shall be made by the city council. Until then, said funds shall be kept by the city in a separate park fund, segregated from its general fund.

~~(l) *Application of rules (examples).* The following examples are intended to illustrate and provide guidance with respect to the application of the rules set forth in this section.~~

~~(1) For park dedication formula purposes, if a subdivision will have the number of dwelling units of each type hereinafter stated, the total number of expected residents in each subdivision would be as follows:~~

~~Subdivision Name~~	~~No. of Single-Family Dwelling Units~~	~~No. of Non-Single-Family Dwelling Units~~	~~No. of Expected Residents~~

~~Subdivision 1~~	~~60~~	~~0~~	~~210 (3.5 expected residents per single-family dwelling unit)~~
~~Subdivision 2~~	~~0~~	~~60~~	~~150 (2.5 expected residents per non-single-family dwelling unit)~~
~~Subdivision 3~~	~~30~~	~~30~~	~~180 (3.5 expected residents per single-family dwelling unit, plus 2.5 expected residents per non-single-family dwelling unit)~~

~~(2) Assume two hundred ten (210) expected residents in the subdivision. The park dedication formula would result in a maximum compelled land dedication of eighteen thousand (18,000) square feet. Assume that the eighteen thousand (18,000) square feet does not exceed five (5) percent of the total subdivision land, exclusive of streets, i.e. that the subdivision has at least three hundred sixty thousand (360,000) square feet of land, exclusive of streets. The city has the following alternatives in this case:~~

~~a. Compel dedication of the maximum eighteen thousand (18,000) square feet as park land in the subdivision; or~~

~~b. Compel payment of cash equal to the fair market value of eighteen thousand (18,000) square feet of the subdivision land; or~~

~~c. Compel some combination of the above, i.e. dedication of up to, but not exceeding, eighteen thousand (18,000) square feet and the balance in cash; e.g. dedication of ten thousand (10,000) square feet of land and payment of cash equal to the fair market value of eight thouand (8,000) square feet of subdivision land.~~

~~(3) Assume two hundred ten (210) expected residents in the subdivision. The park dedication formula would result in a maximum compelled land dedication of eighteen thousand (18,000) square feet. Assume that the eighteen thousand (18,000) square feet of land exceeds five (5) percent of the total square footage of subdivision land, exclusive of streets. Assume that the subdivision land totals one hundred eighty thousand (180,000) square feet of land, exclusive of streets. The city has the following alternatives in this case:~~

~~a. Compel dedication of an amount of land not exceeding either the amount required by the park dedication formula, which is eighteen thousand (18,000) square feet, or five (5) percent of the total subdivision land, exclusive of the streets, which is nine thousand (9,000) square feet of land. The maximum land dedication the City can~~

require in this case is therefore nine thousand (9,000) square feet and the balance would have to be paid in cash equal to the fair market value of nine thousand (9,000) square feet of subdivision land; or

b. Compel cash payment equal to the fair market value of eighteen thousand (18,000) square feet of subdivision land.

(4) Assume two hundred ten (210) expected residents in the subdivision. The park dedication formula would result in a maximum compelled land dedication of eighteen thousand (18,000) square feet. Assume that the eighteen thousand (18,000) square feet of land not only exceeds five (5) percent of the total square footage of subdivision land, exclusive of streets, but also even exceeds the total amount of subdivision land, exclusive of streets. Assume the subdivision land totals sixteen thousand (16,000) square feet of land, exclusive of streets. The city has the following alternatives in this case:

a. Compel dedication of an amount of land not exceeding either the amount required by the park dedication formula, which is eighteen thousand (18,000) square feet (a physical impossibility), or five (5) percent of the total subdivision land, exclusive of streets, which in this case is just eight hundred (800) square feet of land. The maximum land dedication the city can require in this case is therefore eight hundred (800) square feet and the balance would have to be paid in cash equal to the fair market value of seventeen thousand two hundred (17,200) square feet of subdivision land, assuming the city compelled dedication of eight hundred (800) square feet; or

b. Compel cash payment equal to the fair market value of eighteen thousand (18,000) square feet of subdivision land.

(5) An example of the effect on the park dedication requirements of this section which dedication of land outside the subdivision could have, follows: In example (2) above, if the subdivider owned land outside the subdivision which was sufficiently near to serve the subdivision as a park and the subdivider and the city agreed, the subdivider might:

a. Dedicate all eighteen thousand (18,000) square feet of land located outside the subdivision, assuming he had that much, to the city in full satisfaction of park land dedication requirements on a square foot for square foot basis; or

b. Dedicate some park land within the subdivision and some park land outside it, e.g. nine thousand (9,000) square feet within and nine thousand (9,000) square feet outside, in full satisfaction on a square foot for square foot basis of the park land dedication requirements; or

c. If the outside land was less than eighteen thousand (18,000) square feet, but its fair market value was equal to the fair market value of the eighteen thousand (18,000) square feet of the subdivision land, he could fully satisfy the park land dedication requirements by taking a dollar for dollar credit against the cash in lieu requirement; or

d. Dedicate five thousand (5,000) square f eet of subdivision land and five thousand (5,000) square feet of land outside the subdivision on a square foot for square foot basis and the balance in cash equal to the fair market value of eight thousand (8,000) square feet of subdivision land.

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Sec. 54-152. Large tracts.

Where a parcel is divided into larger tracts than standard building lots, such parcels shall be so divided as to allow for the opening of major thoroughfares and the ultimate extension of adjacent minor streets. Where such division is on the basis of lots 2½ acres or larger, curbs, gutters and sidewalks are not required, unless a 60-foot street right-of-way is provided. Deed restrictions shall be filed. Open drainage ditches shall be permitted provided the design capacity requirements do not require drainage ditch depths greater than one foot below finished ground level and where ditches are not in the street right-of-way.

~~**Sec. 54-153. Reserved.**~~

~~**Sec. 54-154. Stormwater requirements.**~~

~~(a) *General requirements.*~~

~~(1) *FEMA designated floodplains.* All development in Federal Emergency Management Association (FEMA) designated 100-year floodplains is regulated by the floodplain administrator for the City of Ingleside. For newly developed properties, 100-year floodplains and base flood elevations (BFE) must be identified using current data or flood insurance rate maps (FIRM) and must abide by applicable requirements.~~

~~(2) *Stormwater management.* The stormwater management facilities either for conveyance or storage shall be designed for a five-year design storm if the overall contributing drainage area is less than 200 acres and for a 25-year storm if the overall contributing drainage area is greater than 200 acres.~~

~~In general, the storm facilities shall be designed and constructed so as to ensure that the post-development peak runoff is not greater than the pre-development discharge for the design storm event.~~

~~(3) *100-year storm protection.* Without regard to the required design flow for channels, roadways, storm drains, or detention ponds, stormwater management systems shall be checked for the 100-year flow. No adverse impacts to existing or proposed structures are permitted for the 100-year flow from the proposed installation of any development, improvement, or renovation.~~

~~(b) *Peak flows.*~~

~~(1) *Peakflows.* No new development or site improvements may cause an increase to the peak flow off the site, for the required design storm. Improvements on existing platted lots may be acceptable without this condition if approved by the city building official.~~

~~(2) *Alteration of flow path.* All possible measures should be employed to retain the existing flow path for any site improvement. The discharge of stormwater flows in a location different from that in the predevelopment condition should be prohibited without city consent. The owner or developer of the property is responsible for conveyance of all stormwater flowing through the property. Design of on-site stormwater systems should incorporate all off-site flows.~~

~~(c) *Detention.*~~

(1) *Purpose.* There are many areas in the City of Ingleside where stormwater management is difficult because of the lack of downstream conveyance. There is a concern that future development will exacerbate this problem or create future problems. Detention facilities are used to reduce stormwater runoff rates by storing and attenuating the release of excess runoff. The function of a detention facility for the purpose of this section is to provide sufficient storage such that peak runoff rates are not increased when development occurs.

(2) *General detention policy.* In order to provide a reasonable level of protection while maintaining a climate favorable for development and economic growth, the City of Ingleside has established this policy for the requirement of analysis and possible inclusion of detention facilities for site developments:

- If the predevelopment peak discharge is increased due to the proposed improvements, the post-development peak discharge shall be limited to the predevelopment peak discharge.
- If it is determined, through the modeling analysis, that the development or site improvements do not affect upstream or downstream hydraulic conditions, the requirement of detention facilities is waived. These calculation shall be submitted to the city with the construction documents for review and approval.

It is the City of Ingleside's objective that detention facilities be designed and constructed in a manner to enhance the aesthetic quality of the city as much as possible. The City of Ingleside therefore encourages designs which utilize the natural environment and minimize disturbance of wooded areas while utilizing existing depressions and drainage corridors.

(d) *Definitions.* [The following words, terms and phrases, when used in this subsection, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Contributing drainage area means areas within a drainage basin that contribute runoff to the basin during a rainfall event.

Design storm event means a synthetic rainfall event used for hydrologic analyses defined by the recurrence interval and storm duration. For example, a five-year, 24-hour storm is a 24-hour duration design storm which has a 20-percent (⅕) probability of occurring in any given year. In San Patricio County, the five-year, 25-year, and 100-year, 24-hour storms have associated rainfall depths of 6.0 inches, 8.8 inches and 11.6 inches respectively.

Detention facility means a facility that collects water from developed areas and releases it at a slower rate than it enters the collection system. The excess of inflow over outflow is temporarily stored in a pond or vault.

Emergency spillway means a device or devices for discharging water when inflow exceeds designed outflow from a detention facility. The emergency spillway can prevent damage to the detention facility from sudden release of impounded water.

Predevelopment means the time period prior to a proposed or actual development activity at a site. Predevelopment may refer to an undeveloped site or a developed site that will be redeveloped or expanded sometimes referred to as existing conditions.

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~~*Storm duration* means period of time between the onset and end of precipitation.~~

Secs. 54-155~~3~~3—54-175~~7~~7. Reserved.

ARTICLE VI~~I~~II. IMPROVEMENTS DESIGN STANDARDS

~~**Sec. 54-176. Penalty for violation of article.**~~

~~Violation of any provisions of this article by any subdivider shall constitute a misdemeanor and, upon conviction of such violation in the municipal court of the city, a fine as prescribed in section 1-14 shall be imposed, and each day that such violation continues shall be a separate offense. In case a corporation is the violator of any provisions of this article, each officer, agent or employee in any way responsible for such violation thereof shall be individually and severely liable for the penalties prescribed in this section; provided, however, that the penal provision and application of this article shall not apply to a duly qualified county clerk or deputy county clerk acting in their official capacity.~~

~~**Sec. 54-177. Other relief.**~~

~~No conviction under the penal provisions of this article, or the Penal Code of Texas, shall ever be considered as any bar to any injunctive or other legal remedy, relief, right or power existing in the city, to enforce the application and provisions of this article.~~

Sec. 54-178. Conformity to design standards.

All improvements shall be designed by a registered professional engineer of the state. All improvements shall be designed to conform with design standards of the city, and no construction shall be commenced until this is complied with. All improvements shall be constructed in accordance with this article. The city should continually monitor design standards to fit the area soil conditions and topography. Streets, for example, should be reviewed for developing engineering techniques such as cement and emulsion oil admixes to sandy-clay conditions for roadway base relative to coastline conditions. With above and below water conditions affecting street and other public services, new technology, such as vapor barriers, should be exposed and prepared by the city and submitted to the subdivider for improvements to the developing community for reducing maintenance cost.

Sec. 54-179. Minimum standards.

The following minimum standards for improvements shall be adhered to. Other methods for improvements should be addressed by the city in terms of a design standard handbook or by the subdivider in terms of city approval. The minimum standards are as follows:

(1) *Roadway pavement.* Standards for roadway pavement shall be as follows:

a. Roadway pavement sections shall be as shown on the Transportation Master Plan Element of the Comprehensive Plan.

~~a.~~b. All roads shall be paved with a crushed limestone base meeting the physical requirements of Texas Department of Transportation (TxDOT) Standard

Specifications for Construction of Highways and Bridges, Item 247 for Flexible Base Type A, Grade 1-2 having a minimum thickness as shown in the City of Ingleside Transportation Master Plan. Prior to placing the base material, the subgrade and a minimum of one foot beyond the back of the curb shall be scarified and compacted to a minimum of 95 percent of the maximum dry density determined by ASTM D-698 (Standard Proctor). The base material shall be constructed in layers, and each layer shall be compacted to the extent necessary to provide not less than 98 percent maximum dry density as determined by ASTM D-1557 (Modified Proctor) under flexible pavements, or not less than 98 percent as determined by ASTM D-698 (Standard Proctor) under concrete pavement, and within ± 2% of optimum moisture. After each section of both subgrade and base is completed, testing, as necessary, shall be completed in accordance with ASTM specification D-2922 by an independent testing laboratory. Testing shall be paid for by the subdivider.

~~b.~~c. The base shall be surfaced as follows:

1. Prime coat, 0.25 gallon/square yard of MC-30 in accordance with TxDOT Item 300 for Asphalts, Oils, and Emulsions.
2. Hot Mix Asphaltic Concrete (HMAC) pavement in accordance with TxDOT Item 340 and conform to Type D gradation, or Portland Cement Concrete (PCC) pavement in accordance with TxDOT item 360. Minimum thickness required as shown in the City of Ingleside Transportation Master Plan. The contractor shall submit a paving construction plan for approval by the ~~city's engineer~~ Administrative Officer if requesting a variance from the minimum standards.
3. Pea gravel will not be accepted.

~~c.~~d. Width of paving for various types of streets including standard two-foot curb and gutter shall not be less than the following:

Street Types	Pavement Width (Minimum) (in feet)
Local	28
Minor collector	40
Major collector	40
Arterial	52

e. Grades. Street grades shall be established considering topography, contemplated land use, and the existing city drainage plan and facilities in the area surrounding the land to be subdivided, provided that the minimum street grade shall be two-tenths of one percent. No land shall be rejected for a subdivision for failure to provide greater street grade than that contained in this chapter.

~~e.~~f. Specifications, design criteria, and testing of requirements shall meet the latest requirements established by the ~~city's engineer~~ Administrative Officer.

(2) *Curb and gutter.* Combined curb and gutter shall be constructed on each side of each street within the boundaries of each subdivision.

a. All combined curb and gutters for all subdivisions, and for all street improvements shall be of the L-type with a minimum height of six inches, and driveways shall be designed as shown in the City of Ingleside's Transportation Master Plan. The driveway section and the driveway within the curb shall not be wider than that approved by the city's ~~building official~~ administrative officer.

b. The combined curb and gutter shall be reinforced concrete having a minimum section of 12 inches at the back of the curb, six inches at the flow line of the gutter, seven inches in depth in the outer edge of the gutter, and shall be 24 inches in width and may be varied in section to fit particular conditions involved. Curbs for individual driveways shall be cut.

c. The design and specifications for combined curb and gutters shall meet the latest requirements established by the City of Ingleside's Transportation Master Plan.

d. Edge curb, as shown in the City of Ingleside's Transportation Master Plan, may be used on rural (roadside ditch) street sections, if approved by the city's ~~building official~~ administrative officer.

(3) *Sidewalks.* Standards for sidewalks shall be as follows:

a. Concrete sidewalks having a width of not less than ~~five~~ four feet and thickness of not less than four inches shall be constructed on each side of each street within the subdivision. Passing spaces at intervals of 200 feet maximum shall be provided. Passing spaces shall be a space 60 inches minimum (*TDLR Section 403.5.3*). Minimum design standards are shown in the City of Ingleside's Transportation Master Plan. Recommended sidewalk widths vary by street classification.

b. The sidewalks shall be one foot from the property line within the street of corner lots and block ends; provided, however, that where it is impractical in the opinion of the ~~city's engineer~~ Administrative Officer for the subdivider to provide such sidewalks on the side lot lines abutting major thoroughfares or drainage ditches, then, in those instances, sidewalks shall not be required.

c. All sidewalks must be ADA compliant and meet the current applicable ADA and TDLR accessibility standards.

d. ADA compliant curb ramps and turn-around areas should be provided as appropriate to meet accessibility standards.

(4) *Street markers.* Street markers shall be erected at all street intersections in such subdivisions. The type of markers shall meet the latest requirements established by the ~~city's engineer~~ Administrative Officer.

(5) *Flood design section for roadway.* The flood design section for a roadway shall be taken from the back of walk to the back of walk, provided that in no case shall the height of curbs for a subdivision be more than six inches. The runoff factor used in design of storm sewers shall be a minimum of a five-year design storm.

~~(5)~~(6) *Waterlines.* Where an approved public water supply is within the distance as required in section 66-51 of the property being platted, each lot within the subdivided area shall be provided with access to such water supply as provided in section 66-51. The design of such a water system layout shall meet the provisions of Section 290.44 of the Texas Administrative Code and be coordinated with the city's public works director.

a. All property to be provided with water service must be properly platted in accordance with the city's requirements.

b. No more than one water connection per lot will be permitted.

c. The layout shall be designed to form a loop system. No main shall be smaller than six inches and the minimum size for service lines shall be four inches, except that two-inch stubs may be extended to serve a maximum of three lots.

d. Fire hydrants shall be placed at locations and intervals consistent with the Fire Codes.

~~d.~~e. The water tap shall be brought to the property line and ready for a water meter to be connected.

~~(6)~~(7) *Sanitary sewers.* Standards for sanitary sewers shall be as follows:

a. All subdivisions coming under the provisions of this chapter and reasonably accessible to a public sanitary sewer shall provide each lot within the subdivision with a sewer tap to such sanitary sewer. The design of such sanitary sewer layout shall meet the provisions of Chapter 217 of the Texas Administrative Code and be coordinated with the city's public works director. The minimum size for mains shall be eight inches.

b. When any subdivision is planned that is not reasonably accessible to a public sanitary sewer, it shall provide either for the use of septic tanks or an individual sewage treatment plant under the supervision of the county health department and shall comply with all regulations of the state department of health in regard to such systems.

1. In all subdivisions planned to be serviced by an individual sewage treatment plant, lots may be of standard area and sewers shall be installed to serve each lot. The plant providing such sewage disposal facilities shall be constructed in accordance with the regulations and requirements of the state board of health or state department of health and with the approval and under the supervision of the county health department or unit and the city.

2. Have a planned maintenance program for the system.

~~(7)~~(8) *Supervised installations required.* In order to properly protect the health, safety, and general welfare of the citizens, all taps, meter services, and meter sets on existing public utility water lines of the city must be made and installed under the supervision and direction of the superintendent of the water division.

~~(8)~~(9) *Oversized mains.* Where it shall be determined by the council that larger or deeper mains or lines are required in order to provide for the future extensions of the sewer and/or water utility system beyond the limits of the subdivisions in question, the city

shall assume the responsibility for any additional costs involved. If city funds are not currently available to pay for such larger or deeper mains or lines as may be required, arrangements for reimbursement shall be made by the city.

~~(9)~~(10) *Subdivider to extend utilities.* Whenever a final plat of a subdivision is approved for which no water or sewer facilities are available at the boundary of such subdivision, the subdivider shall extend the utilities to his property at no cost to the city. The city shall not be required to pay any cost of acquisition of any easements or right-of-way for the extension of any utilities. The city may assist the subdivider in the securing of easements or right-of-way. Where an existing platted lot is proposed to be developed and the City's existing utility (water or wastewater) distribution services are at or over capacity as defined by current or future Texas Commission on Environmental Quality (TCEQ) standards, the developer shall extend City utility services in accordance with TCEQ standards to serve the property at no cost to the City.

~~(10)~~(11) *Streetlights.* The subdivider shall install the street lighting system as required. The subdivider shall pay for any additional cost, above the credit allowance that the city receives from the utility company. The city will energize and pay all monthly charges, as soon as power is available to the system.

~~(11)~~(12) *Utilities in utility easement.* All utilities shall be located so that their placement shall conform to the distances, locations and depths of the city requirements.

Sec. 54-180 Stormwater requirements.

(a) *General requirements.*

(1) *FEMA designated floodplains.* All development in Federal Emergency Management Association (FEMA) designated 100-year floodplains is regulated by the floodplain administrator for the City of Ingleside. For newly developed properties, 100-year floodplains and base flood elevations (BFE) must be identified using current data or flood insurance rate maps (FIRM) and must abide by applicable requirements.

(2) *Stormwater management.* The stormwater management facilities either for conveyance or storage shall be designed for a five-year design storm if the overall contributing drainage area is less than 200 acres and for a 25-year storm if the overall contributing drainage area is greater than 200 acres.

In general, the storm facilities shall be designed and constructed so as to ensure that the post-development peak runoff is not greater than the pre-development discharge for the design storm event.

(3) *100-year storm protection.* Without regard to the required design flow for channels, roadways, storm drains, or detention ponds, stormwater management systems shall be checked for the 100-year flow. No adverse impacts to existing or proposed structures are permitted for the 100-year flow from the proposed installation of any development, improvement, or renovation.

(b) *Peak flows.*

(1) *Peak flows.* No new development or site improvements may cause an increase to the peak flow off the site, for the required design storm. Improvements on existing platted lots may be acceptable without this condition if approved by the city administrative officer.

(2) *Alteration of flow path.* All possible measures should be employed to retain the existing flow path for any site improvement. The discharge of stormwater flows in a location different from that in the predevelopment condition should be prohibited without city consent. The owner or developer of the property is responsible for conveyance of all stormwater flowing through the property. Design of on-site stormwater systems should incorporate all off-site flows.

(c) *Detention.*

(1) *Purpose.* There are many areas in the City of Ingleside where stormwater management is difficult because of the lack of downstream conveyance. There is a concern that future development will exacerbate this problem or create future problems. Detention facilities are used to reduce stormwater runoff rates by storing and attenuating the release of excess runoff. The function of a detention facility for the purpose of this section is to provide sufficient storage such that peak runoff rates are not increased when development occurs.

(2) *General detention policy.* In order to provide a reasonable level of protection while maintaining a climate favorable for development and economic growth, the City of Ingleside has established this policy for the requirement of analysis and possible inclusion of detention facilities for site developments:

- If the predevelopment peak discharge is increased due to the proposed improvements, the post-development peak discharge shall be limited to the predevelopment peak discharge.
- If it is determined, through the modeling analysis, that the development or site improvements do not affect upstream or downstream hydraulic conditions, the requirement of detention facilities is waived. The calculation shall be submitted to the city with the construction documents for review and approval.

It is the City of Ingleside's objective that detention facilities be designed and constructed in a manner to enhance the aesthetic quality of the city as much as possible. The City of Ingleside therefore encourages designs which utilize the natural environment and minimize disturbance of wooded areas while utilizing existing depressions and drainage corridors.

Detention facilities within subdivisions shall be maintained by the Homeowners Association. A copy of the documents recorded at the county establishing the Association shall be provided to the city prior to recordation of the plat.

(d) *Definitions.* [The following words, terms, and phrases, when used in this subsection, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

1) *Contributing drainage area* means areas within a drainage basin that contribute runoff to the basin during a rainfall event.
2) *Design storm event* means a synthetic rainfall event used for hydrologic analyses defined by the recurrence interval and storm duration. For example, a five-year, 24-hour storm is a

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24-hour duration design storm which has a 20-percent (⅕) probability of occurring in any given year. In San Patricio County, the five-year, 25-year, and 100-year, 24-hour storms have associated rainfall depths of 6.0 inches, 8.8 inches and 11.6 inches respectively.

3) *Detention facility* means a facility that collects water from developed areas and releases it at a slower rate than it enters the collection system. The excess of inflow over outflow is temporarily stored in a pond or vault.
4) *Emergency spillway* means a device or devices for discharging water when inflow exceeds designed outflow from a detention facility. The emergency spillway can prevent damage to the detention facility from sudden release of impounded water.
5) *Predevelopment* means the time period prior to a proposed or actual development activity at a site. Predevelopment may refer to an undeveloped site or a developed site that will be redeveloped or expanded sometimes referred to as existing conditions.
6) *Storm duration* means period of time between the onset and end of precipitation.

Sec. 54-180~~0~~1. Exceptions.

(a) *Offsite improvements.* Where any street forms any part of the boundary of a subdivision and some part of the width of the street has been dedicated or committed to improvement, then the subdivider shall be required to dedicate and/or improve the balance of the width of any such street; otherwise, no improvements shall be required as a prerequisite to the approval of the plat for any existing dedicated street forming a boundary of a subdivision.

(b) *Gas utilities.* The installation and dedication of gas distribution mains within the subdivision shall not be required.

Secs. 54-181~~9~~2—54-199~~00~~89. Reserved.

~~*ARTICLE VI. MODEL SUBDIVISION RULES*~~

~~**Sec. 54-200. Adopted.**~~

~~The Texas Water Development Board Model Rules for Subdivisions, attached to Ordinance No. 787, are hereby adopted by reference as part of the Ingleside Code of Ordinances and available for inspection in the office of the city clerk. Said rules shall be read in conjunction with existing rules covering the same subject matters as are covered by Ordinance No. 787, but to the extent of any unavoidable conflict these rules shall supersede the existing rules.~~

ARTICLE IX. PENALTIES

Sec. 54-190. Penalty for violation of article.

Violation of any provisions of this article by any subdivider shall constitute a misdemeanor and, upon conviction of such violation in the municipal court of the city, a fine as prescribed in section 1-14 shall be imposed, and each day that such violation continues shall be a separate offense. In case a corporation is the violator of any provisions of this article, each officer, agent, or employee in any way responsible for such violation thereof shall be individually and severely liable for the penalties prescribed in this section; provided, however, that the penal provision and application of this article shall not apply to a duly qualified county clerk or deputy county clerk acting in their official capacity.

Sec. 54-191. Other relief.

No conviction under the penal provisions of this article, or the Penal Code of Texas, shall ever be considered as any bar to any injunctive or other legal remedy, relief, right or power existing in the city, to enforce the application and provisions of this article.

Section 2. Effective Date. As provided by Article III, Section 3.11C of the Charter of the City of Ingleside, this ordinance shall be effective upon adoption and, in addition, if any penalty, fine or forfeiture is imposed by this ordinance, then this ordinance shall be effective only after publication of this ordinance in its entirety or in summary form once in the official newspaper of the City of Ingleside.

Section 3. Reading. As provided by Article III, Section 3.11.B of the Charter of the City of Ingleside, this ordinance, or the caption of it, shall be read at two City Council meetings with at least two weeks elapsing between each reading.

Section 4. Severance. If any part of this ordinance is invalid or void or is declared to be so, then said part shall be severed from the balance of this ordinance and said invalidity shall not affect the balance of this ordinance, the balance of the ordinance to be read as if said invalid or void portion thereof were not included.

Section 5. Publication. As provided by Article III. Section 3.11C, this ordinance shall be published one time in the official newspaper of the City of Ingleside, San Patricio County, Texas, which publication shall contain the caption of this ordinance stating in substance the purposes of same.

PASSED, ORDAINED, APPROVED AND ADOPTED this 12th day of December 2023 by ___ (ayes) to ___ (nays) with ___ abstentions by a vote of the City Council of the City of Ingleside.

CITY OF INGLESIDE, TEXAS

_____
Pedro Oscar Adame, Mayor

ATTEST:

_____
Ruby Beaven, City Secretary

First Reading: November 14, 2023

Second Reading: December 12, 2023

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CITY COUNCIL AGENDA
Regular Meeting: December 12, 2023

AGENDA ITEM: 15

Deliberate and take appropriate action to accept a donation in the amount of $7,500 from the Enbridge Corporate Citizenship Grant and $1,000 from an Ingleside Citizen for community safety or community beautification and supplies for animals for Animal Control.

SUBMITTED BY: Caron Vela, Director of Finance

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

FISCAL ANALYSIS:

Enbridge has approved a donation in the amount of $7,500 from Enbridge Ingleside Oil Pipeline, LLC. from the Enbridge Corporate Citizenship Grant for community safety or community beautification. An Ingleside Citizen, who wishes to remain anonymous, donated $1,000 for supplies for the animals at Animal Control.

RECOMMENDATION:

Request Council to approve a donation from Enbridge Ingleside Oil Pipeline, LLC, and an Ingleside Citizen.

ATTACHMENTS:

None

CITY COUNCIL AGENDA
Regular Meeting: December 12, 2023

AGENDA ITEM: 16

Deliberate and take appropriate action to accept a donation in the amount of $8,500 from Flint Hills Resources for the Ingleside Volunteer Fire Department for RIT packs.

SUBMITTED BY: Caron Vela, Director of Finance

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

FISCAL ANALYSIS:

A donation in the amount of $8,500 from Flint Hills Resources for the Ingleside Volunteer Fire Department for RIT packs.

RECOMMENDATION:

Request Council to accept a donation in the amount of $8,500 from Flint Hills Resources for the Ingleside Volunteer Fire Department for RIT packs.

ATTACHMENTS:

None

CITY COUNCIL AGENDA
Regular Meeting: December 12, 2023

AGENDA ITEM: 17

Deliberate and take appropriate action to accept a donation in the amount of $17,435 from OxyChem for the Ingleside Volunteer Fire Department for 3 MSA Multi-Gas Meters, 1 MSA RIT packs, and 5 MSA 4500 PSI Quick Connect Bottles.

SUBMITTED BY: Caron Vela, Director of Finance

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

FISCAL ANALYSIS:

A donation in the amount of $17,435 from OxyChem for the Ingleside Volunteer Fire Department for 3 MSA Multi-Gas Meters, 1 MSA RIT packs, and 5 MSA 4500 PSI Quick Connect Bottles.

RECOMMENDATION:

Request Council approve a donation in the amount of $17,435 from OxyChem for the Ingleside Volunteer Fire Department for 3 MSA Multi-Gas Meters, 1 MSA RIT packs, and 5 MSA 4500 PSI Quick Connect Bottles.

ATTACHMENTS:

None

CITY COUNCIL AGENDA
Regular Meeting: December 12, 2023

AGENDA ITEM: 18

Deliberate and take appropriate action to accept a donation in the amount of $7,500 from Enbridge Ingleside Oil Pipeline, LLC, for the Ingleside Volunteer Fire Department for 7 SCBA bottles.

SUBMITTED BY: Caron Vela, Director of Finance

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

FISCAL ANALYSIS:

A donation in the amount of $7,500 from Enbridge Ingleside Oil Pipeline, LLC, for the Ingleside Volunteer Fire Department for 7 SCBA bottles.

RECOMMENDATION:

Request Council to accept a donation in the amount of $7,500 from Enbridge Ingleside Oil Pipeline, LLC, for the Ingleside Volunteer Fire Department for 7 SCBA bottles.

ATTACHMENTS:

None

CITY COUNCIL AGENDA
Regular Meeting: December 12, 2023

AGENDA ITEM: 19

Deliberate and take appropriate action to accept a donation in the amount of $2,500 for Light Up Live Oak supplies and $500 for Veteran's Day flags from OxyChem and $1,200 from various Ingleside businesses and citizens for Blue Santa gifts.

SUBMITTED BY: Caron Vela, Director of Finance

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

FISCAL ANALYSIS:

A donation in the amount of $2,500 for Light Up Live Oak supplies and $500 for Veteran's Day flags from OxyChem, and $1,200 from various Ingleside businesses and citizens for Blue Santa gifts.

RECOMMENDATION:

Request Council to accept a donation in the amount of $2,500 for Light Up Live Oak supplies and $500 for Veteran's Day flags from OxyChem and $1,200 from various Ingleside businesses and citizens.

ATTACHMENTS:

None

CITY COUNCIL AGENDA
Regular Meeting: December 12, 2023

AGENDA ITEM: 20

Deliberate and take appropriate action on first and only reading of an Ordinance amending the Fiscal Year 2023-2024 Budget for the City of Ingleside, Texas, for the General Fund for appropriation of the donation funds received from various businesses for the purchase of Veteran's Day flags, Light Up Live Oak Event supplies, Blue Santa gifts, Animal Control supplies for animals and community beautification or community safety, and Volunteer Fire supplies and equipment.

SUBMITTED BY: Caron Vela, Director of Finance

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

The Parks & Recreation Department received a donation in the amount of $500 and sponsorship funds in the amount of $1,830 for Veteran's Day flags. The City received a donation in the amount of $2,500 for supplies for Light Up Live Oak event. The Volunteer Fire Department received donations in the amount of $33,435 to purchase various supplies.

The City Charter states, “One reading shall be required for emergency and budget/tax ordinances”. The City Attorney concurs that only one reading shall be required to pass this budget amendment ordinance.

FISCAL ANALYSIS:

To appropriate donation funds as follows:

Fund 10	**GENERAL FUND**		
Revenues			
	DONATIONS-PARKS&REC	10-4599	$2,330
	DONATIONS-CITY LULO	10-4589	$2,500
	DONATIONS-BLUE SANTA	10-4587	$10,000
	DONATIONS-VOLUNTEER FIRE	10-4599	$33,435
	DONATIONS-ANIMAL CONTROL	10-4599	$8,500
Expenses			
	FLAGS-COMMUNITY PROJECT	10-510-244	$2,330
	DONATION-CITY LULO EXPENSE	10-500-590	$2,500
	DONATION EXP-VOLUNTEER FIRE	10-510-590	$33,435
	DONATION EXP-ANIMAL CONTROL	10-515-590	$8,500
	DONATIONS EXP-BLUE SANTA	10-509-590	$10,000

RECOMMENDATION:

Request Council approve amending the General Fund budget to appropriate sponsorship and donated funds received by various departments.

ATTACHMENTS:

1. 2023-12-12 ORDINANCE NO- FY2023-xx BUDGET AMENDMENT-DONATIONS

ORDINANCE NO. 2023-__

AN ORDINANCE AMENDING THE FISCAL YEAR 2023-2024 BUDGET FOR THE CITY OF INGLESIDE, TEXAS, FOR THE GENERAL FUND FOR APPROPRIATION OF THE DONATION FUNDS RECEIVED FROM VARIOUS BUSINESSES FOR THE PURCHASE OF VETERAN'S DAY FLAGS, LIGHT UP LIVE OAK EVENT SUPPLIES, BLUE SANTA GIFTS, ANIMAL CONTROL SUPPLIES FOR ANIMALS AND COMMUNITY BEAUTIFICATION OR COMMUNITY SAFETY, AND VOLUNTEER FIRE SUPPLIES AND EQUIPMENT.

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

WHEREAS, it was unforeseen when the budget was adopted that there would be a need for funding for these expenditures this fiscal year.

BE IT ORDAINED by the City Council of the City of Ingleside that the Fiscal Year 2023-2024 budget be amended as shown as follows:

CITY OF INGLESIDE
DEPARTMENT REVENUES AND EXPENSES
BUDGET AMENDMENT

Account Name:	Fund-Dept-Acct Number:	Budget Increase	Budget Decrease
Fund 10 GENERAL FUND			
Revenues			
DONATIONS-PARKS&REC	10-4599	$2,330	
Expenses			
FLAGS-COMMUNITY PROJECT	10-510-244	$2,330	

[To amend the FY2024 budget as shown above to recognize the revenue and appropriate the expense for the purchase of flags for Veteran's Day from sponsorships and donation funds.]

Fund 10 GENERAL FUND			
Revenues			
DONATIONS-CITY LULO	10-4589	$2,500	
Expenses			
DONATION-CITY LULO EXPENSE	10-500-590	$2,500	

[To amend the FY2024 budget as shown above to recognize the revenue and appropriate the expense for the purchase of supplies for Light Up Live Oak from donation funds.]

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Account Name:	Fund-Dept-Acct Number:	Budget Increase	Budget Decrease
Fund 10 GENERAL FUND			
Revenues			
DONATIONS-PD BLUE SANTA	10-4587	$10,000	
Expenses			
DONATION-PD BLUE SANTA	10-509-590	$10,000	

[To amend the FY2024 budget as shown above to recognize the revenue and appropriate the expense for the purchase of supplies for PD Blue Santa from donation funds.]

Fund 10 GENERAL FUND			
Revenues			
DONATIONS-VOLUNTEER FIRE	10-4599	$33,435	
Expenses			
DONATION EXP-VOLUNTEER FIRE	10-510-590	$33,435	

[To amend the FY2024 budget as shown above to recognize the revenue and appropriate the expense to purchase various supplies for the Volunteer Fire Department from donation funds.]

Fund 10 GENERAL FUND			
Revenues			
DONATIONS-ANIMAL CONTROL	10-4599	$8,500	
Expenses			
DONATION EXP-ANIMAL CONTROL	10-510-590	$8,500	

[To amend the FY2024 budget as shown above to recognize the revenue and appropriate the expense to purchase various supplies for the Animal Control Department from donation funds.]

THAT all Ordinance or parts of Ordinances in conflict with this Ordinance are repealed to the extent of such conflict only.

THAT if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgement of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

THAT this Ordinance shall not be codified, but shall become effective on and after adoption and publication as required by law.

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PASSED, APPROVED AND ADOPTED this _____ day of _____ 2023.

CITY OF INGLESIDE, TEXAS

_____
Pedro Oscar Adame, Mayor

ATTEST:

_____
Ruby Beaven, City Secretary

DRAFT

CITY COUNCIL AGENDA
Regular Meeting: December 12, 2023

AGENDA ITEM: 21

Deliberate and take appropriate action on the Regular Meeting Minutes of November 14, 2023 and Special Council Meeting Minutes of November 27, 2023.

SUBMITTED BY: Ruby Beaven, City Secretary

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

Please see the accompanying Minutes:

Regular Meeting Minutes of November 14, 2023
Special Council Meeting Minutes of November 27, 2023

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

Staff recommends approval of the meeting minutes, as presented.

ATTACHMENTS:

1. Backup - 2023, 11-14 Regular Council Minutes-DRAFT
2. Backup - 2023, 11-27 Special Council Minutes-DRAFT

CITY OF INGLESIDE
REGULAR CITY COUNCIL MEETING
MINUTES
NOVEMBER 14, 2023
6:30 P.M.

Opening Agenda

1. **Call Meeting to order**.

   The Regular Council Meeting of the City of Ingleside was called to order by Mayor Adame at 6:30 p.m. on November 14, 2023, at City Hall 2671 San Angelo Ingleside, TX and live video streaming.

2. **Roll Call.**

   With Council Members present a quorum was established.

   Council Members Present: Steve Diehl, Stewart Wilson, David Pruitt, John Salinas, Mayor Pro-Tem Tracy Long, Julio Salinas, and Mayor Pedro Oscar Adame.

3. **Invocation.**

   Father Patrick Higgins, Our Lady of the Assumption Catholic Church, led the invocation.

4. **Pledge of Allegiance.**

   Mayor Adame led the Pledge of Allegiance to the U.S. flag.

5. **Citizen Comments and Reports**

   Martha Habluetzel, 3508 Avenue A, addressed the Council about the worry of the ammonia plant, 66 tons of pollutants, ammonia cannot be seen, and knowing that there has not been an application put in with the City.

   Desiree Beaudry, 2032 State Highway 361 Apt. #612, addressed the Council about the ammonia plant, the hidden costs that come along with the plant, increase in cost of utilities, loss of businesses, loss of 400 acres of habitat that protect the town from storm surges, carbon that will be released when trees are cut down, the reality of a disaster from a hurricane, and stated that the area is better as a habitat instead of an industrial plant.

   Charlie Boone, 468 Sunset, Ingleside on the Bay, addressed the Council about being on the Board of the Ingleside on the Bay Coastal Watch Association, stated that the presentation being heard tonight will have important facts regarding an ammonia plant, asked that the Council consider the health and wealth of the citizens, prioritize for the citizens, and to take control of what is being built.

Council Member Diehl requested that staff keep the hard copies of any information received from the citizens regarding the ammonia plant.

6. Staff Comments and Reports

City Manager Lewis gave an update to Council about the Tree City USA Application.

A. Solar-Powered Radar Signs

Director of Infrastructure Services Paredez addressed the Council about the solar-powered radar signs, waiting for quotes and availability for solar-powered radar signs, the radar signs typically being mounted to a trailer for easy deployment throughout the City, signs also having the ability to use a message board to relay desired information to the drivers, and the capability of sending data feedback to a central location.

B. Blinking Stop Signs

Discussion was held on schools and heavier areas they are needed, being set up in other cities that are working, blinking stop sign in low lit areas, being solar powered, the help with traffic, and the cost of $1,000 per piece.

C. N.O. Simmons Soccer Fields Update

Discussion was held on herbicide, scraping, sandy coat, and kids crossing in the dark.

Council Member Julio Salinas asked if Gerald Crain could speak on the conditions of the field.

Gerald Crain, 2959 Penoak Avenue, President of the Texas Coast Youth Soccer League, addressed the Council about the soccer fields, the fields for the smaller children having the sand spurs, the bigger soccer fields having holes left over from events and the ruts from City workers driving on the fields after a rainy day/night, the league being made up of volunteers that take the time to make sure the fields are ready to use for practices and games. Council Member Julio Salinas asked Mr. Crain how many kids were in the league, and the age range of the kids. Mr. Crain stated that this season, due to it being a smaller amount of kids with football and cheerleading taking place as well, that there was a total of 162 children ranging from 3 years old to 19 years old. Mr. Crain informed the Council that the League had two teams, and all-girls team and an all-boys team, advancing to the playoffs in the age groups in San Antonio, Texas.

Mayor Adame asked Mr. Crain to work with Director of Infrastructure Services Paredez regarding the soccer field conditions.

7. Council Comments and Reports

No Council Comments and Reports presented for this meeting.

Presentations

8. **Presentation by Ingleside on the Bay Coastal Watch Association (IOBCWA) on Ammonia Risks to Ingleside.**

Patrick Nye gave a presentation on Ammonia Risk to Ingleside to Council Members, City staff and citizens present. Mr. Nye talked about Blue Ammonia, the cancer causing agents, EPA concerned about heart/lung risks, items emitted in the air, the proposal of pipelines being brought in, carbon capture failure years ago, TCEQ having no air monitors in the county, presented photos of optical gas, Lie Oak Peninsula Emission Sources being directly affected, Volatile Organic Compounds, Chenier doing the same thing that the communities downwind are experiencing, and how ammonia would affect lungs.

Citizen Comments:

Martha Hablutezel, 3508 Avenue A, asked if Enbridge and YaREN were clean then why do they have ammonia partners? Concerned about what will happen to the children and citizens in the area.

Desiree Beaudry, 2032 State Highway 361 Apt #612, stated that we need to consider the what ifs of the ammonia plant, and ammonia being used for digital agriculture sold in foreign markets.

Cyndi Valdes, 809 Bayshore Dr, Ingleside on the Bay, stated that there will be a town Hall Meeting on December 12, 2023, at the Aransas Pass Civic Center, climate mobility (tool to monitor air quality), San Patricio County already at 98% mobility according to the environmental defense fund, TCEQ permit # 174275, once the notice hits the papers and advertisement about a public hearing then the citizens have 30 days to voice concerns.

Patrick Nye, presenter, informed Council that YaREN canceled the clean air in Norway, and they can't make it in Europe, what can hurt in saying no, sending a letter to commissioners, possible ordinance for no pipelines coming through the cities.

Carl Amsden "Pat", 161 Sunset Dr, Ingleside on the Bay, commented about having worked in heavy manufacturing, the company coming in and throwing away money, good will, and to consider ourselves as bugs on a windshield.

Lou Valdes, 809 Bayshore Dr, Ingleside on the Bay, commented about going to Enbridge and being told that there would be no risks.

Steve Wilder, 1215 Bayshore Dr, Ingleside on the Bay, commented about the plant being in Ingleside, and that the Council has a voice and to use it.

Thomas Wadham, 701 Oak Ridge Dr, Ingleside on the Bay, thanked the Council for inviting them to present and speak on the situation regarding the ammonia risk.

Ken Willis, 316 Inglewood, Ingleside on the Bay, informed Council that he works with TCEQ, commented on the importance of the risks, and what is happening with our water.

Discussion was held amongst Council Members, City Manager Lewis, and the presenter Patick Nye regarding the risks, the plant itself, data being gathered from Texas A&M University – Corpus Christi and University of Texas at Arlington, information being key, looking into procedures and partnering with neighboring cities on Ordinances to keep this from happening, health and safety of the community being important, and wanting the maximum input from the citizens and the community.

Consent Agenda

9. **Deliberate and take appropriate action on the Regular Meeting Minutes of October 24, 2023.**

10. **Deliberate and take appropriate action on acceptance of HOT Fund Post Event Form from Battlin' BBQ and payment of $22,449.75 for the Battlin' BBQ Cook-Off Festival Event held October 19-22, 2023.**

Motion: Council Member Pruitt made a motion to approve the Consent Agenda as presented. Council Member Wilson seconded the motion. Motion carried with all present voting in favor.

Executive Session

No Executive Session presented for this meeting.

Public Hearing

No Public Hearing presented for this meeting.

Regular Agenda

11. **Deliberate and take appropriate action on the first reading of an Ordinance amending Chapter 18 – Buildings and Building Regulations, Article I – In General, Article II – Construction Standards, Article III – Plumbing Standards, Article IV – Gas Standards, Article V – Mechanical Standards, Article VI – Electrical, Article VII – International Property Maintenance Code, Article VIII – Unsafe Buildings, Article IX – Swimming Pools, article X – Floodplain Management, Article XI – Fences, Article XII – Building Numbering, Article XIII – Industrial Housing and Buildings and Article XIV – Wind Energy Conversion Systems, Ingleside Code of Ordinances and further providing for effective date, reading, severance, and publication.**

Discussion was held amongst Council Members, City Manager Lewis, and Interim Building Official Delauro about getting the City current on codes from 2012 to 2018, working with Engineer Carl Cruell, all documentation going through legal counsel, and the document being a living document and will continue to be amended in the future.

Motion: Council Member Diehl made a motion to pass to the second reading of an Ordinance amending Chapter 18 – Buildings and Building Regulations, Article I – In

General, Article II – Construction Standards, Article III – Plumbing Standards, Article IV – Gas Standards, Article V – Mechanical Standards, Article VI – Electrical, Article VII – International Property Maintenance Code, Article VIII – Unsafe Buildings, Article IX – Swimming Pools, article X – Floodplain Management, Article XI – Fences, Article XII – Building Numbering, Article XIII – Industrial Housing and Buildings and Article XIV – Wind Energy Conversion Systems, Ingleside Code of Ordinances and further providing for effective date, reading, severance, and publication. Mayor Adame seconded the motion. Motion carried with all present voting in favor.

12. **Deliberate and take appropriate action on the first reading of an Ordinance amending Chapter 34 – Fire Prevention and Protection, Ingleside Code of Ordinances and further providing for effective date, reading, severance, and publication.**

    Discussion was held amongst Council Members, City Manager Lewis, and Interim Building Official Delauro about getting the City current on codes from 2012 to 2018, working with Fire Marshal Thomas Miller, meeting NFPA standards, all documentation going through legal counsel, and the document being a living document and will continue to be amended in the future.

    Motion: Council Member John Salinas made a motion to pass to the second reading of an Ordinance amending Chapter 34 – Fire Prevention and Protection, Ingleside Code of Ordinances and further providing for effective date, reading, severance, and publication. Council Member Pruitt seconded the motion. Motion carried with all present voting in favor.

13. **Deliberate and take appropriate action on the first reading of an Ordinance amending chapter 78 – Zoning, Article I – In General, Article II – Administration, Article III – Nonconforming Uses and Buildings, Article IV – District Regulations, Article V – Supplementary District Regulations, and Article VI – Miscellaneous, Ingleside Code of Ordinances and further providing for effective date, reading, severance, and publication.**

    Discussion was held amongst Council Members, City Manager Lewis, and Interim Building Official Delauro about getting the City current on standards and state mandated laws, working with Engineer Carl Cruell, vetted through by staff, and all documentation going through legal counsel.

    Motion: Council Member Diehl made a motion to pass to the second reading of an Ordinance amending chapter 78 – Zoning, Article I – In General, Article II – Administration, Article III – Nonconforming Uses and Buildings, Article IV – District Regulations, Article V – Supplementary District Regulations, and Article VI – Miscellaneous, Ingleside Code of Ordinances and further providing for effective date, reading, severance, and publication. Council Member Pruitt seconded the motion. Motion carried with all present voting in favor.

14. **Deliberate and take appropriate action on the first reading of an Ordinance amending Chapter 54 – Subdivision, Article I – In General, Article II – Administration, Article III – Plats, Article IV – Design Standards, Article V – Improvements, and Article VI**

– Model Subdivision Rules, Ingleside Code of Ordinances and further providing for effective date, reading, severance, and publication.

Discussion was held amongst Council Members, City Manager Lewis, and Interim Building Official Delauro about getting the City current on state laws that were not in our city codes, and all documentation going through legal counsel.

Motion: Council Member Diehl made a motion to pass to the second reading of an Ordinance amending Chapter 54 – Subdivision, Article I – In General, Article II – Administration, Article III – Plats, Article IV – Design Standards, Article V – Improvements, and Article VI – Model Subdivision Rules, Ingleside Code of Ordinances and further providing for effective date, reading, severance, and publication. Council Member Pruitt seconded the motion. Motion carried with all present voting in favor.

15. Deliberate and take appropriate action on Garden Center Update.

Discussion was held amongst Council Members, City Manager Lewis, and Director of Infrastructure Services Paredez regarding the Garden Center, best to go back to original plan and just remodel the current building, the building itself is structurally sound, ceiling not being high enough but can do mini splits when it comes to the A/C units in which will raise the ceiling, and if decided to get rid of current building and construct a bigger building vegetation would be lost.

Motion: Mayor Adame made a motion to move forward with staff recommendation regarding the Garden Center. Council Member Wilson seconded the motion. Motion carried with all present voting in favor.

16. Announcements of Community Interest and/or upcoming events.

A. Food for Fines, November 01-30, 2023
B. Animal Shelter Groundbreaking, November 17, 2023
C. Turkey Leg Drive Thru Fundraiser, November 17, 2023
D. Christmas Tree Lighting, December 01, 2023
E. Hazardous Waste Collection Event, December 02, 2023
F. Light Up Live Oak, December 08-09, 2023
G. Ingleside Library's Christmas Tree Lighting, December 13, 2023
H. Breakfast with Santa, December 16, 2023

17. Items to consider for placement on future agendas.

Council Member Diehl wanted to wish all the staff and citizens a Happy Thanksgiving.

18. Adjourn.

Mayor Adame adjourned the regular meeting of the City of Ingleside at 8:42 p.m.

APPROVED:

_____
Pedro Oscar Adame, Mayor

ATTEST:

_____
Ruby Beaven, City Secretary

DRAFT

CITY OF INGLESIDE
SPECIAL CITY COUNCIL MEETING
MINUTES
NOVEMBER 27, 2023
6:30 P.M.

Opening Agenda

1. **Call Meeting to order**.

   The Special Council Meeting of the City of Ingleside was called to order by Mayor Adame at 6:30 p.m. on November 14, 2023, at City Hall 2671 San Angelo Ingleside, TX and live video streaming.

2. **Roll Call.**

   With Council Members present a quorum was established.

   Council Members Present: Steve Diehl, Stewart Wilson, David Pruitt, John Salinas, Mayor Pro-Tem Tracy Long, Julio Salinas, and Mayor Pedro Oscar Adame.

3. **Invocation.**

   Council Member Pruitt led the invocation.

4. **Pledge of Allegiance.**

   Mayor Adame led the Pledge of Allegiance to the U.S. flag.

5. **Citizen Comments and Reports**

   Cindy Wilson, 2635 San Angelo Avenue, addressed the Council about the water boil notice, communication, and how the notice itself was confusing. Mrs. Wilson also stated it will not go into effect until after the water gets turned back on from being shut off, and no one communicated with the schools. Mrs. Wilson stated that no one considered the 2,000 plus kids in the schools, when the City needs to turn off the water. Mrs. Wilson also stated that City Hall has the worse communication.

   Courtney Shane, 2181 Capeheart Street, addressed the Council about the town having two boards, and citizens trying to bridge the gap between Council and other citizens. Been to the school board and have not had good communication from the schools before. Stated that we are condemning each other and need to speak with a nicer tone. Can we just talk, and speak nicely, to each other. Council needs to communicate with the school and citizens. Would like citizens to speak longer and to have the video for citizens to see.

   Council Member Diehl stated that he monitors the live feed and would like more citizens to watch these meetings. Meetings are live and have a two-minute delay.

Council Member John Salinas stated that he had been receiving phone calls about the water boil. Stated that he looked up the information on the website, and returned the phone calls received and gave reference to the City's website. If you don't know the information, look it up. We have a website that works well.

Presentations

No Presentations presented for this meeting.

Consent Agenda

No Consent Agenda presented for this meeting.

Executive Session

6. **City Council will meet in Closed Session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in:**

    a. **Section 551.071 Consultation with Attorney**

At 6:39 p.m. Mayor Adame convened the Ingleside City Council into a closed session pursuant to provision of Chapter 551 of the Texas Government Code, in accordance with the authority contained in Section 551.071 Consultation with Attorney.

7. **City Council will meet in Closed Session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in:**

    a. **Section 551.071 Consultation with Attorney**

At 7:54 p.m. Mayor Pro-Tem Long reconvened the Ingleside City Council into an open session pursuant to provision of Chapter 551 of the Texas Government Code to take any action necessary related to the executive session noted herein, or regular agenda items, noted above, and/or related items.

Item A: No action was taken.

Mayor Pro-Tem Long handed the gavel back to Mayor Adame after no action was taken from the Executive Session.

Public Hearing

No Public Hearing presented for this meeting.

Regular Agenda

8. **Deliberate and take appropriate action on a Resolution, a Resolution by the City of Ingleside, Texas authorizing and approving membership in the Cities served by CenterPoint Gas (Cities) for the purpose of protecting the interest of the City and its**

citizens with respect to CenterPoint matters; further suspending the December 4,, 2032 effective date of the statement of intent of CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas to change rates in the Texas division; to permit the city time to study the request and to establish reasonable rates; finding that the City's reasonable rate case expenses shall be reimbursed by the company; authorizing participation with the Cities served by CenterPoint Gas; hiring legal and consulting services to negotiate with the company and direct any necessary litigation and appeals; find that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the company and legal counsel.

Discussion was held amongst Council Members and City Manager Lewis about the resolution being a resolution to authorize membership, that the rate increase was being looked into by legal counsel, and this being done every year.

Motion: Council Member Julio Salinas made a motion to approved Resolution 2023-40, a Resolution by the City of Ingleside, Texas authorizing and approving membership in the Cities served by CenterPoint Gas (Cities) for the purpose of protecting the interest of the City and its citizens with respect to CenterPoint matters; further suspending the December 4,, 2032 effective date of the statement of intent of CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas to change rates in the Texas division; to permit the city time to study the request and to establish reasonable rates; finding that the City's reasonable rate case expenses shall be reimbursed by the company; authorizing participation with the Cities served by CenterPoint Gas; hiring legal and consulting services to negotiate with the company and direct any necessary litigation and appeals; find that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the company and legal counsel. Mayor Pro-Tem Long seconded the motion. Motion carried with all present voting in favor.

9. Items to consider for placement on future agendas.

Council Member John Salinas would like an update on Cove Park.

Council Member Julio Salinas would like an update on safety within lighting of crosswalks, and the most high risk areas.

Council Member Diehl would like to see a Resolution in writing about going to TxDOT on the Highway 361 lighting issue.

10. Adjourn.

Mayor Adame adjourned the special meeting of the City of Ingleside at 7:59 p.m.

APPROVED:

_____
Pedro Oscar Adame, Mayor

ATTEST:

_____
Ruby Beaven, City Secretary

DRAFT

CITY COUNCIL AGENDA
Regular Meeting: December 12, 2023

AGENDA ITEM: 22

Closed Session
City Council will meet in Closed Session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in:

A. Section 551.087 Deliberation regarding Economic Development Negotiations – Update on ongoing industry and retail negotiations.

SUBMITTED BY: Ruby Beaven, City Secretary

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

FISCAL ANALYSIS:

RECOMMENDATION:

ATTACHMENTS:
None

CITY COUNCIL AGENDA
Regular Meeting: December 12, 2023

AGENDA ITEM: 23

Open Session
City Council will reconvene in Open Session at which time action on the matter(s) discussed in Closed Session may be considered.

A. Section 551.087 Deliberation regarding Economic Development Negotiations – Update on ongoing industry and retail negotiations.

SUBMITTED BY: Ruby Beaven, City Secretary

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

FISCAL ANALYSIS:

RECOMMENDATION:

ATTACHMENTS:
None

CITY COUNCIL AGENDA
Regular Meeting: December 12, 2023

AGENDA ITEM: 24

Deliberate and take appropriate action on a Resolution of the City Council of the City of Ingleside, San Patricio County, Texas, confirming the appointment of Officers to the Ingleside Volunteer Fire Department.

SUBMITTED BY: Thomas Miller, Fire Chief

APPROVED FOR AGENDA: Ruby Beaven, City Secretary

BACKGROUND:

CHAPTER 42 PERSONNEL ARTICLE III: VOLUNTEER FIRE DEPARTMENT Sec. 42-57.

Election of officers; terms; removal; approval of members states: The Fire Chief shall be appointed by the City Manager, confirmed by the City Council, and shall report to the City Manager on the operation of the Ingleside Volunteer Fire Department. The Fire Chief, and his/her appointed officers, shall be appointed based upon the qualifications established in the Ingleside Volunteer Fire Department Standard Operating Procedures and Guidelines. The term of appointment shall be at the determination of the City Manager. All officer positions shall be appointed by the Fire Chief and approved by the City Manager and City Council. The appointed officer positions, as a minimum, are as follows: (1) Assistant Fire Chief, (2) Captains, (2) Lieutenants, (1) Chief Engineer, (1) Assistant Chief Engineer, (1) Health and Safety Officer, (1) Communications Officer, (1) Public Information Officer, (1) Quartermaster, and (1) Certifying Coordinator. The Fire Prevention Officer will be the City Fire Marshal, but designate tasks as needed to Ingleside Volunteer Fire Department members. The Fire Chief shall remove an appointed officer if disciplinary actions take place or fill the position if a vacancy occurs. All appointed officers shall be subject to the City of Ingleside Personnel Policies and Procedures Handbook. Firefighters, Probationary Firefighters, Apprentice Firefighters, and Support Personnel shall be approved by the members of the department, subject to approval by Fire Chief and City Manager and confirmation by the City Council. All Firefighters shall be subject to the City of Ingleside Personnel Policies and Procedures Handbook.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

To confirm the appointments as presented by the Fire Chief of Ingleside Volunteer Fire Department and confirmed by the City Manager.

ATTACHMENTS:

1. Backup Fire Resolution Appointment of Officers V2

RESOLUTION 2023 -_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INGLESIDE, SAN PATRICIO COUNTY, TEXAS, CONFIRMING THE APPOINTMENT OF OFFICERS TO THE INGLESIDE VOLUNTEER FIRE DEPARTMENT.

WHEREAS, the Ingleside Volunteer Fire Department (IVFD) was created by City Code of Ordinances Article 111, Section 42-56; and

WHEREAS, the City Code of Ordinances Article Ill, Section 42-57 allows for the appointment of the Chief and the Chief shall appoint the Operational Line Officers and other Operational positions; and

WHEREAS, all Letters of Intent were received in November 2023 and appointments were made in December 2023; and

WHEREAS, all appointed positions are 1-year terms; and

WHERAS, the new terms will be from January 1, 2024 through December 31, 2024; and

WHERAS, the Fire Chief has appointed the following positions: Assistant Fire Chief (1), Captain (2), Lieutenant (2), Support Lieutenant (1), Training Lieutenant (1), Chief Engineer (1), Assistant Chief Engineer (1), Certifying Coordinator (1), Communications Officer (1), Public Information Officer (1), Quarter Master (1), and Health and Safety Officer (1).

WHEREAS, the appointees have expressed a desire and willingness to serve as Officers to the IVFD.

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

Section 1. The matter and facts recited in the preamble hereof are found and determined to be true and correct.

Section 2. Scott Marion is appointed to serve as Assistant Fire Chief for the IVFD with a term of January 1, 2024 to December 31, 2024.

Section 3. John Witt is appointed to serve as Captain 1 for the IVFD with a term of January 1, 2024 to December 31, 2024.

Section 4. Gerald Crain is appointed to serve as Captain 2 for the IVFD with a term of January 1, 2024 to December 31, 2024.

Section 5. Adrian Rodriguez is appointed to serve as Lieutenant 1 for the IVFD with a term of January 1, 2024 to December 31, 2024.

Section 6. Preston Matheaus is appointed to serve as Lieutenant 2 for the IVFD with a term of January 1, 2024 to December 31, 2024.

Section 7. Ken Lay is appointed to serve as Support Lieutenant for the IVFD with a term of January 1, 2024 to December 31, 2024.

Section 8. Rhonda Payne is appointed to serve as Training Lieutenant for the IVFD with a term of January 1, 2024 to December 31, 2024.

Section 9. Ruben Adame is appointed to serve as Chief Engineer for the IVFD with a term of January 1, 2024 to December 31, 2024.

Section 10. Robert Vana is appointed to serve as Assistant Chief Engineer for the IVFD with a term of January 1, 2024 to December 31, 2024.

Section 11. Scott Marion is appointed to serve as Certifying Coordinator for the IVFD with a term of January 1, 2024 to December 31, 2024.

Section 12. Adrian Rodriguez is appointed to serve as Communications Officer for the IVFD with a term of January 1, 2024 to December 31, 2024.

Section 13. Brittany Elkins is appointed to serve as Public Information Officer for the IVFD with a term of January 1, 2024 to December 31, 2024.

Section 14. Ann Puig is appointed to serve as Quarter Master for the IVFD with a term of January 1, 2024 to December 31, 2024.

Section 15. Health and Safety Officer for the IVFD will remain vacant at this time.

PASSED AND APPROVED this 12th day of December, by _____(ayes) to ____ (nays) with abstentions by a vote of the City Council of the City of Ingleside, Texas

CITY OF INGLESIDE, TEXAS

_____
Pedro Oscar Adame, Mayor

ATTEST:

_____
Ruby Beaven, City Secretary

DRAFT

CITY COUNCIL AGENDA
Regular Meeting: December 12, 2023

AGENDA ITEM: 25

Deliberate and take appropriate action on a Resolution changing the sewer base and volume rates for Ingleside on the Bay as contained in Appendix "A" fee schedule of the Ingleside Code of Ordinances.

SUBMITTED BY: Caron Vela, Director of Finance

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

The City of Ingleside increased the sewer rates for all customers starting October 2023. As per the contract signed on June 12, 2023, with Ingleside on the Bay, the City of Ingleside issued a letter on November 7 2023, to inform them of the increase in rates.

FISCAL ANALYSIS:

The fees charged by the City for sewer services to Ingleside on the Bay shall increase from $4.50 per 1,000 gallons to $5.63 per 1,000 gallons to the City of Ingleside on the December 29, 2023, utility bill.

RECOMMENDATION:

Request Council approve the attached resolution to increase the sewer rates for Ingleside on the Bay.

ATTACHMENTS:

1. 2023-12-12 Backup - Resolution IOB Sewer Rates Increase

RESOLUTION NO. 2023-_____

A RESOLUTION CHANGING THE SEWER BASE AND VOLUME RATES FOR INGLESIDE ON THE BAY AS CONTAINED IN APPENDIX "A" FEE SCHEDULE OF THE INGLESIDE CODE OF ORDINANCES.

WHEREAS, the City of Ingleside operates a water and sewer utility system to provide essential services to the customers of Ingleside; and

WHEREAS, the last non pass-through increase on both water and sewer base and volume rates was 5% in October 2019 and was repealed in September 2023; and

WHEREAS, the City of Ingleside has hired an engineering consulting firm to conduct a utility rate study.

WHEREAS, the utility rate study shows a need for the City of Ingleside to increase water and sewer rates for all customers that utilize the water and sewer systems; and

WHEREAS, the City of Ingleside will increased the sewer base and volume rates by 25% in September 2023; and

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

1. That the matter and facts recited in the preamble hereof are found and determined to be true and correct.

2. The fees charged by the City for sewer services under Section 66-247 are hereby amended as indicated on the attached true and correct copy of the relevant portion of the presently codified Appendix "A" Fee Schedule for the City of Ingleside.

3. These rates will be effective with the January 2024 utilities billing, regardless of usage period, additions being indicated by underlining and deletions by interlining.

PASSED AND APPROVED this ___ day of _____, 202__ by __ (ayes) to ___ (nays) with ___ abstentions by a vote of the City Council of the City of Ingleside, Texas.

CITY OF INGLESIDE, TEXAS

_____
Pedro Oscar Adame, Mayor

ATTEST:

_____
Ruby Beaven, City Secretary

DRAFT

Appendix "A" Fee Schedule

Description	Amount (In Dollars)		Code Section
Chapter 66. Utilities **Article III. Sanitary Sewer Service** **Division 7. Rates and Charges**			
(2) Sewer base rate Water meter size	Amount monthly		66-247(b)
3/4"	28.54	~~22.83~~	
1"	50.78	~~40.62~~	
2"	202.84	~~162.27~~	
3"	456.44	~~365.15~~	
4"	811.33	~~649.06~~	
6"	1,825.74	~~1,460.59~~	
8"	3,245.76	~~2,596.61~~	
10"	5,077.84	~~4,062.27~~	
(3) Sewer volume rate	Monthly amount per thousand gallon water volume		66-247(c)
a. Residential	3.18	~~2.54~~	
b. Commercial	3.65	~~2.92~~	

DRAFT

CITY COUNCIL AGENDA
Regular Meeting: December 12, 2023

AGENDA ITEM: 26

Deliberate and take appropriate action on a Resolution of the City Council of the City of Ingleside, Texas requesting the addressing of illumination of areas of State Highway 361 and creating an alternate mode of transportation for areas of State Highway 361.

SUBMITTED BY: Brenton Lewis, City Manager

APPROVED FOR AGENDA: Ruby Beaven, City Secretary

BACKGROUND:

The City Council has brought forth concerns about the lighting and lack of sidewalks in certain areas of State Highway 361. Because the State of Texas is responsible for the maintenance of State Highway 361 and the safety of all vehicular and pedestrian traffic, a request was made to staff to draft a Resolution addressing the concerns.

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

Staff recommends the City Council adopt the proposed Resolution.

ATTACHMENTS:

1. Hwy 361 Resolution

RESOLUTION NO. 2023-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INGLESIDE, TEXAS REQUESTING THE ADDRESSING OF ILLUMINATION OF AREAS OF STATE HIGHWAY 361 AND CREATING AN ALTERNATE MODE OF TRANSPORTATION FOR AREAS OF STATE HIGHWAY 361.

WHEREAS, the City Council of the City of Ingleside is aware of the amount of vehicular and pedestrian traffic on certain portions of State Highway 361; and

WHEREAS, the City Council of the City of Ingleside is aware State Highway 361 falls within the jurisdiction of the State of Texas, through the Texas Department of Transportation; and

WHEREAS, the City Council of the City of Ingleside has brought forth safety concerns of the need for lighting, additional lighting, and alternate modes of transportation to representatives of the Texas Department of Transportation; and

WHEREAS, the City Council of the City of Ingleside has identified an area from the 2600 Block of State Highway 361 to the 2800 Block of State Highway 361 as an area in need of street lighting; and

WHEREAS, the City Council of the City of Ingleside has identified an area from the 2600 Block of State Highway 361 to the 2800 Block of State Highway 361 as an area in need of an alternate mode of transportation; and

WHEREAS, the City Council of the City of Ingleside has identified an area from the 2200 Block of State Highway 361 to the 2600 Block of State Highway 361 as an area in need of an alternate mode of transportation; and

WHEREAS, the City Council of the City of Ingleside has identified an area at the intersection of the 2200 Block of State Highway 361 and Avenue J as an area in need of additional street lighting; and

WHEREAS, the City Council of the City of Ingleside realizes there has been over fifty (50) traffic accidents from August 25, 2021 to December 5, 2023 in a distance of 1.2 miles of State Highway 36; and

WHEREAS, the City Council of the City of Ingleside is aware the State of Texas Department of Transportation has allocated over $3.7 billion through 2033 for Safety Projects and over $1.7 billion for Transportation Alternatives of which almost $13 million has been allocated to the Corpus Christi MPO; and

WHEREAS, the City Council of the City of Ingleside is desirous for a portion of the funds allocated be used to address the safety concerns on certain portions of State Highway 361.

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

1. That all of the recitals contained in the preamble of this resolution are found to be true and are adopted as findings of fact by this governing body and as part of its official record.

2. That the City Council is requesting the State of Texas Department of Transportation to allocate funds to address the safety concerns on certain portions of State Highway 361.

3. That the City Staff is hereby directed to contact and work with the appropriate Federal and State Legislators and the Texas Department of Transportation representatives to receive funding and resolve the safety concerns as identified in the preamble of this Resolution.

PASSED AND APPROVED this 12th day of December 2023 by ____ (ayes) to ____(nays) with ___ abstentions by a vote of the City Council of the City of Ingleside, Texas.

CITY OF INGLESIDE, TEXAS

_____

Pedro Oscar Adame, Mayor

ATTEST:

_____

Ruby Beaven, City Secretary

DRAFT

CITY COUNCIL AGENDA
Regular Meeting: December 12, 2023

AGENDA ITEM: 27

Deliberate and take appropriate action on a Resolution of the City Council of the City of Ingleside, Texas declaring an emergency for needed repairs on the Fire Department facility, ratifying actions to repair the Fire Department facility, and providing an effective date.

SUBMITTED BY: Brenton Lewis, City Manager

APPROVED FOR AGENDA: Ruby Beaven, City Secretary

BACKGROUND:

The Ingleside Volunteer Fire Department roof has developed leaks that are causing damage to the various areas of the building. The most prominent area is in the office area. The 2023-2024 Budget was approved with a line item in Fund 30 General Fund Capital Improvement Projects that addresses the Fire Department, City Hall Annex, and the City Hall roofs.

FISCAL ANALYSIS:

Budget amount $200,000

RECOMMENDATION:

Staff recommends the adoption of the Resolution.

ATTACHMENTS:

1. Emergency Resolution - Fire Department

RESOLUTION NO. 2023-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INGLESIDE, TEXAS DECLARING AN EMERGENCY FOR NEEDED REPAIRS ON THE FIRE DEPARTMENT FACILITY, RATIFYING ACTIONS TO REPAIR THE FIRE DEPARTMENT FACILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Fire Department facility of City of Ingleside is an essential operation of the City of Ingleside; and

WHEREAS, the Fire Department facility houses essential emergency equipment and records; and

WHEREAS, the Fire Department facility has received roof damage allowing the elements to infiltrate the office area; and

WHEREAS, the roof damage has been budgeted in the 2023-2024 Budget; and

WHEREAS, the City Council of the City of Ingleside is desirous to have the damage repaired expeditiously enabling the Fire Department facility to be fully accessible and operational.

WHEREAS, the City Council of the City of Ingleside realizes that the declaring of an emergency will decrease the time to repair the Fire Department facility.

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

1. That all of the recitals contained in the preamble of this resolution are found to be true and are adopted as findings of fact by this governing body and as part of its official record.

2. That the City Council declares an emergency in order to preserve and protect the public health and safety of the City's residents

3. That the City Staff is hereby authorized to select an engineering firm and to solicit quotes on the projected repairs.

4. That the City Staff is hereby authorized to proceed with the project as budgeted in the 2023-2024 Fiscal Year Budget.

PASSED AND APPROVED this 12th day of December 2023 by ____ (ayes) to ____(nays) with ____ abstentions by a vote of the City Council of the City of Ingleside, Texas.

CITY OF INGLESIDE, TEXAS

_____
Pedro Oscar Adame, Mayor

ATTEST:

_____
Ruby Beaven, City Secretary

DRAFT

CITY COUNCIL AGENDA
Regular Meeting: December 12, 2023

AGENDA ITEM: 28

Deliberate and take appropriate action on a Resolution of the City Council of the City of Ingleside, Texas declaring an emergency for needed repairs on the City Hall Annex, ratifying actions to repair the City Hall Annex, and providing an effective date.

SUBMITTED BY: Brenton Lewis, City Manager

APPROVED FOR AGENDA: Ruby Beaven, City Secretary

BACKGROUND:

The City Hall Annex roof has developed leaks that are causing damage to the various areas of the building. The 2023-2024 Budget was approved with a line item in Fund 30 General Fund Capital Improvement Projects that addresses the Fire Department, City Hall Annex, and the City Hall roofs.

FISCAL ANALYSIS:

Budget amount in Fund 30 is set at $200,000.

RECOMMENDATION:

Staff recommends adoption of the Resolution.

ATTACHMENTS:

1. Emergency Resolution - Annex

RESOLUTION NO. 2023-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INGLESIDE, TEXAS DECLARING AN EMERGENCY FOR NEEDED REPAIRS ON THE CITY HALL ANNEX, RATIFYING ACTIONS TO REPAIR THE CITY HALL ANNEX, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Hall Annex of City of Ingleside encompass various divisions of the City of Ingleside; and

WHEREAS, the City Hall Annex is open to the public for the business of the citizens with the City of Ingleside; and

WHEREAS, the City Hall Annex has received roof damage allowing the elements to infiltrate the office area; and

WHEREAS, the roof damage has been budgeted in the 2023-2024 Budget; and

WHEREAS, the City Council of the City of Ingleside is desirous to have the damage repaired expeditiously enabling the City Hall Annex to be fully accessible and operational.

WHEREAS, the City Council of the City of Ingleside realizes that the declaring of an emergency will decrease the time to repair the City Hall Annex.

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

1. That all of the recitals contained in the preamble of this resolution are found to be true and are adopted as findings of fact by this governing body and as part of its official record.

2. That the City Council declares an emergency in order to preserve and protect the public health and safety of the City's residents.

3. That the City Staff is hereby authorized to select an engineering firm and to solicit quotes on the projected repairs.

4. That the City Staff is hereby authorized to proceed with the project as budgeted in the 2023-2024 Fiscal Year Budget.

PASSED AND APPROVED this 12th day of December 2023 by ____ (ayes) to ____(nays) with ___ abstentions by a vote of the City Council of the City of Ingleside, Texas.

CITY OF INGLESIDE, TEXAS

_____
Pedro Oscar Adame, Mayor

ATTEST:

_____
Ruby Beaven, City Secretary

DRAFT

CITY COUNCIL AGENDA
Regular Meeting: December 12, 2023

AGENDA ITEM: 29

Deliberate and take appropriate action on a Resolution of the City Council of the City of Ingleside, Texas declaring an emergency for needed repairs on the City Hall Complex, ratifying actions to repair the City Hall Complex, and providing an effective date.

SUBMITTED BY: Brenton Lewis, City Manager

APPROVED FOR AGENDA: Ruby Beaven, City Secretary

BACKGROUND:

The City Hall complex roof has developed leaks that are causing damage to the various areas of the building. Also, front of the building has sustained damage that will be funded through insurance. The 2023-2024 Budget was approved with a line item in Fund 30 General Fund Capital Improvement Projects that addresses the Fire Department, City Hall Annex, and the City Hall roofs.

FISCAL ANALYSIS:

Fund 30 has allocated in the line item $200,000.

RECOMMENDATION:

Staff recommends the adoption of Resolution.

ATTACHMENTS:

1. Emergency Resolution - City Hall

RESOLUTION NO. 2023-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INGLESIDE, TEXAS DECLARING AN EMERGENCY FOR NEEDED REPAIRS ON THE CITY HALL COMPLEX, RATIFYING ACTIONS TO REPAIR THE CITY HALL COMPLEX, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Hall Complex of City of Ingleside encompass five divisions of the City of Ingleside; and

WHEREAS, the City Hall Complex is open to the public for the business of the citizens with the City of Ingleside; and

WHEREAS, the City Hall Complex has sustained damage to the portico and façade of the building; and

WHEREAS, the City Hall Complex has received roof damage allowing the elements to infiltrate the office area; and

WHEREAS, the damage incurred to the portico and façade will be paid for through insurance proceeds; and

WHEREAS, the roof damage has been budgeted in the 2023-2024 Budget; and

WHEREAS, the City Council of the City of Ingleside is desirous to have the damage repaired expeditiously enabling the City Hall Complex to be fully accessible and operational.

WHEREAS, the City Council of the City of Ingleside realizes that the declaring of an emergency will decrease the time to repair the City Hall Complex.

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

1. That all of the recitals contained in the preamble of this resolution are found to be true and are adopted as findings of fact by this governing body and as part of its official record.

2. That the City Council declares an emergency in order to preserve and protect the public health and safety of the City's residents

3. That the City Staff is hereby authorized to select an engineering firm and to solicit quotes on the projected repairs.

4. That the City Staff is hereby authorized to proceed with the project for the portico and facade repairs through insurance proceeds.

5. That the City Staff is hereby authorized to proceed with the project as budgeted in the 2023-2024 Fiscal Year Budget.

PASSED AND APPROVED this 12th day of December 2023 by ____ (ayes) to ____(nays) with 00 abstentions by a vote of the City Council of the City of Ingleside, Texas.

CITY OF INGLESIDE, TEXAS

_____

Pedro Oscar Adame, Mayor

ATTEST:

_____

Ruby Beaven, City Secretary

DRAFT

CITY COUNCIL AGENDA
Regular Meeting: December 12, 2023

AGENDA ITEM: 30

Deliberate and take appropriate action to award the bid for the construction of the Kenny Lane A to Z Project.

SUBMITTED BY: Gary Paredez, Director of Infrastructure Services

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

Hanson Professional Services was the engineering firm selected to design, bid, and administer the A-to-Z construction of the Kenny Lane Project. The project has TCEQ approval for water and wastewater line improvements from Avenue A to Highway 1069. The drainage and road will be reconstructed along this route.

The bids were received until 2:00pm on November 28th, 2023, at which time they were publicly opened. The staff in attendance were Craig Thompson with Hanson, Brenton Lewis, City Manager, Caron Vela, Finance Director, Ruby Beaven, City Secretary, and Gary Paredez, Director of Infrastructure. Please see the bid tabulation form attached for the list of contractors in attendance and bid amounts.

FISCAL ANALYSIS:

The original budget set for this project was $1.3 million. Funding was provided by the FY 20 bonds. Due to inflation, this budget was set at $2,917,200.00. Gerke Excavating, Inc. from Tomah, Wisonsin, had the lowest bid with a base bid of $2,486,150.49. This bid is below the budgeted amount.

RECOMMENDATION:

Staff recommends awarding the bid to Gerke Excavating, Inc. in the amount of $2,486,150.49 for the Kenny Lane A-Z Project.

ATTACHMENTS:

1. BidEvaluationLetter-11-29-23

HANSON
Engineering | Planning | Allied Services

Hanson Professional Services Inc.
4501 Gollihar Rd.
Corpus Christi, TX 78411
Ph.: (361) 814-9900
Fax (361) 814-4401
www.hanson-inc.com

November 29, 2021

Mr. Brenton B. Lewis
City Manager, City of Ingleside
2671 San Angelo Avenue
Ingleside, Texas 78362

Transmitted Via email: blewis@inglesidetx.gov

Re: City of Ingleside
Bond 2020 – Kenney Lane Improvements
Bid Evaluation

Dear Mr. Lewis:

On Tuesday, November 28, 2023 bids were received and opened for the Kenney lane Improvements project. The project consists of road, drainage, water and sanitary sewer improvements along Kenney Lane.

A total of six (6) bids were received and reviewed for accuracy and compliance with the bid documents. The six bidders are listed below:

- Berry Contracting LP dba Bay Ltd, from Corpus Christi, Texas
- Gerke Excavating, Inc. from Tomah, Wisconsin,
- JE Construction Services Inc. from Corpus Christi, Texas
- Mako Contracting, LLC from Corpus Christi, Texas.
- Jhabores Construction, Co. Inc. from Corpus Christi, Texas
- Max Underground Construction, LLC from Corpus Christi, Texas

We have enclosed a copy of the Bid Tabulation for your reference.

All six respondents complied with the bidding requirements to complete the work.

The apparent low bidder, was **Gerke Excavating, Inc.** from Tomah, Wisconsin, in the amount of **$2,486,150.49** for the Kenney Lane Improvements project.

Based on the information provided in the bid documents and feedback received from their references, the contractors appear to be responsive bidders and qualified to complete the work.

If awarded, the Contractor will have 240 calendar days from issuance of a notice to proceed to substantially complete the project, and would be required to provide additional documents as outlined in the Contract Documents, including performance bond, payment bond and insurance certification.

Should you have any questions, or require any additional information, please do not hesitate to call on us.

Sincerely,

Melanie Gavlik

HANSON PROFESSIONAL SERVICE
Melanie D. Gavlik, P.E.
Project Manager

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TBPE F-417 ■ TBPLS F-10039500 ■ TBPG F-50556 ■ TBAE F-BR 2548
4501 Gollihar Road. Corpus Christi, TX 78411 PH: 361-814-9900 FX: 361-814-4401

BID TABULATION

Title: **Kenney Lane Improvements** **PROJECT #:** 19L0026W 2000 **Bid Date:** **November 28, 2023**

				Bidder:	Berry Contracting, LP dba Bay Ltd.		Gerke Excavating, Inc.		JE Construction Services, LLC		Mako Contracting, LLC		Jhabores Construction, Co. Inc.		Max Underground Construction, LLC	
				Location:	Corpus Christi, Texas		Tomah, Wisconsin		Corpus Christi, Texas		Corpus Christi, Texas		Corpus Christi, Texas		Corpus Christi, Texas	
				Proposal:	X		X		X		X		X		X	
				Addendum Acknowledge:	X		X		X		X		X		X	
				Statement of Bidder Qualifications:	X		X		X		X				X	
				Bid Security:	X		X		X		X		X		X	
				Non-Collusion Affidavit of Bidder:	X		X		X		X				X	
ITEM NO.	**DESCRIPTION**	**ESTIMATED QUANTITY**	**UNIT**		**UNIT PRICE**	**TOTAL COST**	**UNIT PRICE**	**TOTAL COST**	**UNIT PRICE**	**TOTAL COST**	**UNIT PRICE**	**TOTAL COST**	**UNIT PRICE**	**TOTAL COST**	**UNIT PRICE**	**TOTAL COST**
	GENERAL															
1	Mobilization (5% Maximum of Construction Cost)	1	LS		$112,535.00	$112,535.00	$122,925.57	$122,925.57	$106,000.00	$106,000.00	$50,000.00	$50,000.00	$125,000.00	$125,000.00	$111,000.00	$111,000.00
2	Bonds and Insurance	1	LS		$27,121.00	$27,121.00	$23,056.38	$23,056.38	$37,000.00	$37,000.00	$48,000.00	$48,000.00	$35,000.00	$35,000.00	$105,000.00	$105,000.00
3	Seeding	1	LS		$54,100.00	$54,100.00	$5,103.00	$5,103.00	$9,300.00	$9,300.00	$15,000.00	$15,000.00	$37,000.00	$37,000.00	$37,200.00	$37,200.00
4	Storm Water Pollution Prevention	1	LS		$68,900.00	$68,900.00	$5,576.29	$5,576.29	$1,900.00	$1,900.00	$10,000.00	$10,000.00	$34,000.00	$34,000.00	$15,240.00	$15,240.00
5	Traffic Control	1	LS		$77,600.00	$77,600.00	$17,010.00	$17,010.00	$22,000.00	$22,000.00	$21,600.00	$21,600.00	$32,000.00	$32,000.00	$43,440.00	$43,440.00
	GENERAL SUBTOTAL					$340,256.00		$173,671.24		$176,200.00		$144,600.00		$263,000.00		$311,880.00
	STREETS															
6	2" Hot Mix Asphaltic Concrete Pavement (Type D)	11,472	SY		$17.00	$195,024.00	$22.91	$262,823.52	$21.00	$240,912.00	$24.88	$285,423.36	$23.00	$263,856.00	$22.54	$258,578.88
7	Prime Coat, MC-30 (0.2 Gal/SY)	2,294	GAL		$5.00	$11,470.00	$6.47	$14,842.18	$6.00	$13,764.00	$7.15	$16,402.10	$7.50	$17,205.00	$14.66	$33,630.04
8	10" Crushed limestone Base (Type A, Grade 1-2)	3,444	CY		$144.00	$495,936.00	$109.74	$377,944.56	$138.00	$475,272.00	$130.00	$447,720.00	$142.00	$489,048.00	$132.08	$454,883.52
9	Geogrid Reinforcement (Tensar TX-5)	13,837	SY		$4.00	$55,348.00	$3.39	$46,907.43	$4.00	$55,348.00	$5.00	$69,185.00	$3.00	$41,511.00	$6.62	$91,600.94
10	12" Compacted Subgrade	13,837	SY		$1.00	$13,837.00	$1.35	$18,679.95	$2.00	$27,674.00	$3.00	$41,511.00	$7.50	$103,777.50	$3.35	$46,353.95
11	Removal of top layer of pavement stockpile at public works yard (Asphalt)	11,472	SY		$3.00	$34,416.00	$1.75	$20,076.00	$3.00	$34,416.00	$5.40	$61,948.80	$2.50	$28,680.00	$3.24	$37,169.28
12	Excavation and Embankment	13,837	SY		$7.00	$96,859.00	$3.86	$53,410.82	$8.00	$110,696.00	$12.00	$166,044.00	$12.00	$166,044.00	$17.75	$245,606.75
13	Demolition of Concrete Driveway	507	SF		$6.00	$3,042.00	$1.73	$877.11	$8.00	$4,056.00	$5.00	$2,535.00	$5.50	$2,788.50	$6.50	$3,295.50
14	Demolition of Asphalt Driveway	605	SF		$6.00	$3,630.00	$1.45	$877.25	$4.00	$2,420.00	$3.00	$1,815.00	$5.00	$3,025.00	$3.17	$1,917.85
15	Demolition of Caliche Driveways	4,583	SF		$9.00	$41,247.00	$1.52	$6,966.16	$2.00	$9,166.00	$3.00	$13,749.00	$4.50	$20,623.50	$1.96	$8,982.68
16	New Concrete Driveway	507	SF		$40.00	$20,280.00	$15.48	$7,848.36	$25.00	$12,675.00	$10.00	$5,070.00	$14.00	$7,098.00	$12.24	$6,205.68
17	New Asphalt Driveway	605	SF		$30.00	$18,150.00	$12.09	$7,314.45	$21.00	$12,705.00	$11.92	$7,211.60	$20.50	$12,402.50	$9.50	$5,747.50
18	6" Limestone Aggregate for Driveways	4,583	SF		$19.00	$87,077.00	$3.91	$17,919.53	$8.00	$36,664.00	$5.00	$22,915.00	$6.00	$27,498.00	$4.47	$20,486.01
19	New 12" Edge Curb (Includes Base and Subgrade)	10,377	LF		$13.00	$134,901.00	$24.51	$254,340.27	$24.00	$249,048.00	$25.00	$259,425.00	$33.00	$342,441.00	$12.66	$131,372.82
20	Pavement Repair	924	SF		$20.00	$18,480.00	$8.96	$8,279.04	$32.00	$29,568.00	$8.68	$8,020.32	$27.50	$25,410.00	$9.42	$8,704.08
21	Mailbox Remove & Relocate	17	EA		$760.00	$12,920.00	$144.98	$2,464.66	$320.00	$5,440.00	$200.00	$3,400.00	$375.00	$6,375.00	$134.12	$2,280.04
22	Allowance for Unanticipated Street Improvements	1	LS		$50,000.00	$50,000.00	$50,000.00	$50,000.00	$50,000.00	$50,000.00	$50,000.00	$50,000.00	$50,000.00	$50,000.00	$50,000.00	$50,000.00
	STREETS SUBTOTAL					$1,292,617.00		$1,151,571.29		$1,369,824.00		$1,462,375.18		$1,607,783.00		$1,406,815.52
	DRAINAGE															
23	Storm Utility Pipe - 12"	190	LF		$130.00	$24,700.00	$77.20	$14,668.00	$77.00	$14,630.00	$109.25	$20,757.50	$100.00	$19,000.00	$86.43	$16,421.70
24	Storm Utility Pipe - 15"	950	LF		$140.00	$133,000.00	$82.02	$77,919.00	$78.00	$74,100.00	$124.20	$117,990.00	$120.00	$114,000.00	$87.66	$83,277.00
25	Storm Utility Pipe - 18"	40	LF		$150.00	$6,000.00	$102.87	$4,114.80	$108.00	$4,320.00	$132.25	$5,290.00	$135.00	$5,400.00	$111.00	$4,440.00
26	Headwall - 18" Diameter	8	EA		$7,200.00	$57,600.00	$1,417.50	$11,340.00	$2,200.00	$17,600.00	$2,127.50	$17,020.00	$2,500.00	$20,000.00	$2,460.00	$19,680.00
27	Removal of Existing Headwall	8	EA		$2,100.00	$16,800.00	$76.57	$612.56	$1,100.00	$8,800.00	$632.50	$5,060.00	$700.00	$5,600.00	$652.50	$5,220.00
28	Removal of Existing Pipe	443	LF		$40.00	$17,720.00	$14.87	$6,587.41	$53.00	$23,479.00	$27.60	$12,226.80	$50.00	$22,150.00	$22.65	$10,033.95
29	Ditch Grading and Regrading	8,380	LF		$17.00	$142,460.00	$9.21	$77,179.80	$11.00	$92,180.00	$12.00	$100,560.00	$17.00	$142,460.00	$10.46	$87,654.80
30	Dewatering for Stormwater Improvements	1	LS		$21,500.00	$21,500.00	$10,818.73	$10,818.73	$3,000.00	$3,000.00	$46,172.50	$46,172.50	$27,500.00	$27,500.00	$36,540.00	$36,540.00
31	Allowance for Unanticipated Drainage Improvements	1	LS		$50,000.00	$50,000.00	$50,000.00	$50,000.00	$50,000.00	$50,000.00	$50,000.00	$50,000.00	$50,000.00	$50,000.00	$50,000.00	$50,000.00
	DRAINAGE SUBTOTAL					$469,780.00		$253,240.30		$288,109.00		$375,076.80		$406,110.00		$313,267.45

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TBPE F-417 ■ TBPLS F-10039500 ■ TBPG F-50556 ■ TBAE F-BR 2548
4501 Gollihar Road. Corpus Christi, TX 78411 PH: 361-814-9900 FX: 361-814-4401

BID TABULATION

Title: **Kenney Lane Improvements** **PROJECT #:** 19L0026W 2000 **Bid Date:** **November 28, 2023**

	WATER															
32	Removal & Disposal of Existing Water Line	3,163	LF		$40.00	$126,520.00	$10.54	$33,338.02	$14.00	$44,282.00	$20.70	$65,474.10	$30.00	$94,890.00	$10.28	$32,515.64
33	6" PVC (C900)(DR-18)	4,675	LF		$74.00	$345,950.00	$49.86	$233,095.50	$121.00	$565,675.00	$64.40	$301,070.00	$70.00	$327,250.00	$46.49	$217,340.75
34	6" PVC (C900)(DR-18)(Retrained Joints)	368	LF		$90.00	$33,120.00	$52.94	$19,481.92	$152.00	$55,936.00	$96.60	$35,548.80	$85.00	$31,280.00	$54.29	$19,978.72
35	6" PVC (C900) (RJ Certa-Lok) - Horizontal Directional Drilling	200	LF		$280.00	$56,000.00	$116.50	$23,300.00	$339.00	$67,800.00	$373.75	$74,750.00	$155.00	$31,000.00	$275.10	$55,020.00
36	6" Gate Valve, DI MJ	8	EA		$4,000.00	$32,000.00	$1,606.86	$12,854.88	$2,400.00	$19,200.00	$2,041.25	$16,330.00	$2,100.00	$16,800.00	$2,549.25	$20,394.00
37	6" 45° Bend, DI MJ	12	EA		$610.00	$7,320.00	$541.52	$6,498.24	$643.00	$7,716.00	$1,937.75	$23,253.00	$700.00	$8,400.00	$1,330.00	$15,960.00
38	8"X6" Reducer, DI MJ	1	EA		$640.00	$640.00	$575.75	$575.75	$1,600.00	$1,600.00	$833.75	$833.75	$750.00	$750.00	$915.00	$915.00
39	6" Tapping Sleeve, SST & 6" Gate Valve	1	EA		$12,400.00	$12,400.00	$5,813.91	$5,813.91	$10,000.00	$10,000.00	$7,475.00	$7,475.00	$8,500.00	$8,500.00	$7,740.00	$7,740.00
40	Trench Safety for Water Line	5,043	LF		$3.00	$15,129.00	$4.23	$21,331.89	$6.00	$30,258.00	$2.30	$11,598.90	$2.00	$10,086.00	$12.12	$61,121.16
41	Water Service Line - Short Side	13	EA		$4,700.00	$61,100.00	$1,535.19	$19,957.47	$2,500.00	$32,500.00	$1,552.50	$20,182.50	$1,700.00	$22,100.00	$1,479.23	$19,229.99
42	Water Service Line - Long Side	12	EA		$8,400.00	$100,800.00	$1,506.28	$18,075.36	$3,400.00	$40,800.00	$1,753.75	$21,045.00	$2,300.00	$27,600.00	$1,672.50	$20,070.00
43	2" Water Service Line with Flushing Hydrant	1	EA		$11,300.00	$11,300.00	$4,665.32	$4,665.32	$5,900.00	$5,900.00	$6,210.00	$6,210.00	$5,500.00	$5,500.00	$4,020.00	$4,020.00
44	Fire Hydrant Assembly (Type-1)	7	EA		$10,300.00	$72,100.00	$6,869.31	$48,085.17	$12,300.00	$86,100.00	$9,027.50	$63,192.50	$9,000.00	$63,000.00	$7,637.14	$53,459.98
45	Fire Hydrant Assembly (Type-2)	6	EA		$9,700.00	$58,200.00	$6,938.48	$41,630.88	$10,700.00	$64,200.00	$8,050.00	$48,300.00	$7,500.00	$45,000.00	$7,540.00	$45,240.00
46	Allowance for Unanticipated Water Improvements	1	LS		$25,000.00	$25,000.00	$25,000.00	$25,000.00	$25,000.00	$25,000.00	$25,000.00	$25,000.00	$25,000.00	$25,000.00	$25,000.00	$25,000.00
	WATER SUBTOTAL					$957,579.00		$513,704.31		$1,056,967.00		$720,263.55		$717,156.00		$598,005.24
	WASTEWATER															
47	Manhole Frame & Cover Removal and Replacement	9	EA		$4,300.00	$38,700.00	$1,490.55	$13,414.95	$4,200.00	$37,800.00	$2,932.50	$26,392.50	$2,800.00	$25,200.00	$3,160.00	$28,440.00
48	Manhole Riser Adjustment	9	EA		$4,700.00	$42,300.00	$337.92	$3,041.28	$4,500.00	$40,500.00	$1,811.25	$16,301.25	$4,100.00	$36,900.00	$2,913.33	$26,219.97
49	8" Sanitary Sewer PVC (SDR-26)	1,563	LF		$195.00	$304,785.00	$79.35	$124,024.05	$186.00	$290,718.00	$105.80	$165,365.40	$80.00	$125,040.00	$60.00	$93,780.00
50	4' Diameter Manhole (Fiberglass)	5	EA		$18,500.00	$92,500.00	$8,435.74	$42,178.70	$18,000.00	$90,000.00	$12,362.50	$61,812.50	$18,500.00	$92,500.00	$13,332.00	$66,660.00
51	4" Sewer Service Connection (New 8" Sewer)	5	EA		$3,300.00	$16,500.00	$3,351.32	$16,756.60	$3,100.00	$15,500.00	$1,667.50	$8,337.50	$1,300.00	$6,500.00	$1,650.00	$8,250.00
52	6" Sewer Service Connection (New 8" Sewer)	3	EA		$3,800.00	$11,400.00	$3,525.20	$10,575.60	$3,600.00	$10,800.00	$2,300.00	$6,900.00	$2,000.00	$6,000.00	$1,868.00	$5,604.00
53	6" Sewer Service Connection (Existing 15" Sewer)	4	EA		$5,600.00	$22,400.00	$3,622.29	$14,489.16	$5,300.00	$21,200.00	$2,645.00	$10,580.00	$2,350.00	$9,400.00	$2,865.00	$11,460.00
54	6" Sewer Service Connection (Existing 8" Sewer)	1	EA		$5,000.00	$5,000.00	$3,641.31	$3,641.31	$4,800.00	$4,800.00	$2,415.00	$2,415.00	$2,500.00	$2,500.00	$4,380.00	$4,380.00
55	Trench Safety for Sanitary Sewer	1,563	LF		$10.00	$15,630.00	$4.23	$6,611.49	$9.00	$14,067.00	$6.90	$10,784.70	$3.00	$4,689.00	$16.05	$25,086.15
56	Packaged Grinder Pump Station	1	LS		$136,000.00	$136,000.00	$95,239.99	$95,239.99	$165,000.00	$165,000.00	$161,000.00	$161,000.00	$134,000.00	$134,000.00	$108,000.00	$108,000.00
57	1-1/2" Sanitary Force Main PVC (SCH-80)	25	LF		$120.00	$3,000.00	$42.85	$1,071.25	$120.00	$3,000.00	$58.65	$1,466.25	$74.00	$1,850.00	$61.80	$1,545.00
58	Connection to Existing Manhole (Force Main)	1	EA		$3,000.00	$3,000.00	$1,326.56	$1,326.56	$2,900.00	$2,900.00	$2,231.00	$2,231.00	$1,250.00	$1,250.00	$5,100.00	$5,100.00
59	Lift Station Electrical Service Allowance	1	LS		$20,000.00	$20,000.00	$20,000.00	$20,000.00	$20,000.00	$20,000.00	$20,000.00	$20,000.00	$20,000.00	$20,000.00	$20,000.00	$20,000.00
60	6' Tall Chain Link Fence with Three Strands of Barbed Wire	114	LF		$100.00	$11,400.00	$42.12	$4,801.68	$98.00	$11,172.00	$75.90	$8,652.60	$79.00	$9,006.00	$62.21	$7,091.94
61	12' Wide Swing Gate with Three Stands of Barbed Wire	2	EA		$2,600.00	$5,200.00	$486.00	$972.00	$2,500.00	$5,000.00	$1,581.25	$3,162.50	$900.00	$1,800.00	$810.00	$1,620.00
62	Dewatering for Wastewater Improvements	1	LS		$36,700.00	$36,700.00	$10,818.73	$10,818.73	$36,000.00	$36,000.00	$63,250.00	$63,250.00	$60,000.00	$60,000.00	$52,132.20	$52,132.20
63	Allowance for Unanticipated Wastewater Improvements	1	LS		$25,000.00	$25,000.00	$25,000.00	$25,000.00	$25,000.00	$25,000.00	$25,000.00	$25,000.00	$25,000.00	$25,000.00	$25,000.00	$25,000.00
	WASTEWATER SUBTOTAL					$789,515.00		$393,963.35		$793,457.00		$593,651.20		$561,635.00		$490,369.26
			Bid Total:			**$3,849,747.00**		**$2,486,150.49**		**$3,684,557.00**		**$3,295,966.73**		**$3,555,684.00**		**$3,120,337.47**

*Items in red represent discrepancies with the bidder's mathematical calculations.

CITY COUNCIL AGENDA
Regular Meeting: December 12, 2023

AGENDA ITEM: 31.a

Announcement

SUBMITTED BY: Ruby Beaven, City Secretary

APPROVED FOR AGENDA: Brenton Lewis, City Manager

BACKGROUND:

A. Ingleside Library's Christmas Tree Lighting, December 13, 2023
B. Breakfast with Santa, December 16, 2023

FISCAL ANALYSIS:

N/A

RECOMMENDATION:

Informational Only.

ATTACHMENTS:

1. Backup - Community Interest

Ingleside Public Library
Children's Christmas Tree Lighting

IS COMING BACK

December 13, 2023

6:00pm-8:00pm

- Petting Zoo
- Pony Ride
- Hay Ride
- Facepainter

BREAKFAST WITH SANTA

Join us for a free breakfast of regular or chocolate chip pancakes, eggs, bacon, and sausage. We will have milk, orange juice, water, and coffee available. Most importantly the station will be decorated with an enjoyable Christmas view and a chance to visit Santa!

SATURDAY | 16 DEC | 9AM-12 PM

Ingleside Fire Department
2425 8th St. Ingleside, TX 78362