



NOTICE OF THE TOWN COUNCIL
TOWN COUNCIL SPECIAL MEETING

April 02, 2026 at 5:30 PM

Argyle Town Hall, 308 Denton Street, Argyle, Texas

AGENDA

Notice is hereby given as required by Title 5, Chapter 551.041 of the Government Code that the Argyle Town Council will meet in a Town Council Special Meeting on April 02, 2026, at 5:30 PM at the Argyle Town Hall, 308 Denton Street, Argyle, Texas.

ELECTED OFFICIALS AND TOWN MANAGEMENT

Ronald Schmidt, Mayor
Cynthia Hermann, Mayor Pro Tem, Place 5
Gustav Svehla, Place 1
Martin Brading, Place 2
Chad Boyd, Place 3
Casey Stewart, Place 4

Mike Sims, Town Manager
Erika McComis, Town Secretary
Brenda McDonald, Town Attorney

CALL TO ORDER

EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Subchapter D, the Town Council may convene in a closed session. After the Executive Session, discussion on any of the following items, any final action or vote taken will be in public.

Real Property

§551.072: Deliberate the purchase, exchange, lease, or value of real property:

1. Law Enforcement Center
2. Town Center District

Economic Development

§551.087: Economic Development negotiations (to discuss or deliberate commercial or financial information from a business prospect or to deliberate the offer of a financial or other incentives to a business prospect):

3. Heath Tract
4. Town Center District

OPEN SESSION

In accordance with Texas Government Code, Section 551, the Town Council will reconvene into Open Session and consider action, if any, on matters discussed in Executive Session.

OPEN FORUM

This is an opportunity for the public to address the Town Council on any matter of public business, except public hearings. Any Comments related to public hearings will be heard when the specific hearing begins. Each speaker is limited to five (5) minutes; however, time limits can be adjusted by the Mayor. Any response from a member of the Council is limited to a statement of specific factual information, a recitation of existing policy, or direction to staff to place the subject on the agenda for a future Town Council meeting.

SPECIAL PRESENTATIONS AND ANNOUNCEMENTS

(Mayoral proclamations, presentations of awards and certificates, and other acknowledgements of significant accomplishments or service to the community.)

5. Recognition of Congenital Diaphragmatic Hernia Awareness Day.

PUBLIC HEARING ITEMS

6. Hold a public hearing and consider Ordinance 2026-15 amending (TDS-26-002) Article III, Zoning, of the Town of Argyle Town Development Standards regarding the creation of Section 14.3.80 – Non-Fixed Food Establishments and other related provisions in the Town Development Standards.
7. Hold a public hearing and consider Ordinance 2026-16 amending (TDS-26-003) Article III, Zoning, of the Town of Argyle Town Development Standards regarding an amendment to Section 14.3.67 – Landscape Requirements and other related provisions in the Town Development Standards.
8. Hold a public hearing and consider Ordinance 2026-17 amending (TDS-26-006) Article I, General, of the Town of Argyle Town Development Standards regarding an amendment to Section 14.1.5 – Definitions for Development, Large Scale, and other related provisions in the Town Development Standards.

ACTION ITEMS

9. Discuss and consider Ordinance 2026-18 to amend (TDS-26-004) Article 8.02, Nuisances, of the Town of Argyle Code of Ordinances regarding amendments to Section 8.02.003 Noise and other related provisions in the Code of Ordinances.
10. Discuss and consider Resolution No. 2026-18 approving a Professional Services Agreement with Catalyst Commercial, Inc. for the purpose of providing on-call economic modeling and development analysis services and authorizing the Town Manager to negotiate the agreement and the Mayor to execute said agreement on behalf of the Town of Argyle.

ADJOURN

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

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the bulletin board at Argyle Town Hall, a place convenient and readily accessible to the general public at all times, and to the Town's website in compliance with Chapter 551, Texas Government Code, on **March 27, 2026, by 5:00 p.m.** and remained posted for at least three (3) business days preceding the scheduled time of said meeting.

Erika McComis

Town Secretary



Persons with disabilities who plan to attend this public meeting and who may need auxiliary aid or services are requested to contact the Argyle Town Hall 48 hours in advance, at 940-464-7273, and reasonable accommodations will be made for assistance.



PROCLAMATION TOWN OF ARGYLE, TEXAS

CONGENITAL DIAPHRAGMATIC HERNIA AWARENESS DAY

WHEREAS: One in every 2,500 pregnancies are diagnosed with a congenital diaphragmatic hernia (CDH); and

WHEREAS: Congenital Diaphragmatic Hernia occurs when a baby's diaphragm fails to fully form, allowing abdominal organs into the chest cavity and preventing lung growth; and

WHEREAS: Since 2000, it is estimated that over 800,000 babies have been born with CDH; however, only 50 percent of those babies survived; and

WHEREAS: CDH is as common as Spina Bifida and Cystic Fibrosis; however, very few people know about it or are aware of it; and

WHEREAS: 1,600 babies are born with CDH every year in the United States each year; and

WHEREAS: There are many people living in Argyle who have been diagnosed with and have survived their CDH, although many families in Argyle have endured the horrible pain and grief associated with the loss of loved ones with CDH; and

WHEREAS: CDH International is a charity is a 501(c)III organization that was created to help families affected by CDH; and

WHEREAS: Those with CDH often endure multiple surgeries and possible medical complications beyond their diagnosis that include heart defects, pulmonary complications, gastric and intestinal problems, developmental delays, and may require respiratory and medicinal support for years; and

WHEREAS: Raising awareness of this congenital defect will help bring about acceptance and support for those suffering with it and will help advocate for urgently needed medical research and advances.

NOW, THEREFORE, I, RONALD SCHMIDT, MAYOR OF THE TOWN OF ARGYLE,
do hereby proclaim **April 19, 2026**, as

CONGENITAL DIAPHRAGMATIC HERNIA AWARENESS DAY

in the Town of Argyle, Texas, and encourage all residents to join in this observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal to be affixed this the 2nd day of April, 2026.

TOWN OF ARGYLE, TEXAS

Ronald Schmidt, Mayor



Mayor and Council Agenda Item Memorandum

ITEM TYPE

Public Hearing Item

MEETING DATE:

April 2, 2026

PRESENTER:

Harrison Wicks, Director of Community Development

REQUESTED BY:

Town Council

ITEM DESCRIPTION:

Hold a public hearing and consider action on Ordinance 2026-15 amending (TDS-26-002) Article III, Zoning, of the Town of Argyle Town Development Standards regarding the creation of Section 14.3.80 – Non-Fixed Food Establishments and other related provisions in the Town Development Standards.

BACKGROUND INFORMATION:

Town Council has directed staff to propose development standards for Non-Fixed Food Establishments, and include state and industry terms into the Town Development Standards.

FISCAL IMPACT:

- Not Applicable
- Proposed Expenditure:
- General Ledger Code:
- Proposed Revenue:
- Budget Amendment Required: No
- Financial Review Completed by:

LEGAL REVIEW:

The Town Manager reviewed this item.

ATTACHMENTS:

Ordinance 2026-15

Exhibit A - Non-Fixed Food Establishment Standards

Exhibit B - Use Chart Matrix

RECOMMENDED MOTION AND/OR ACTION:

Move to adopt Ordinance 2026-15 amending (TDS-26-002) Article III, Zoning, of the Town of Argyle Town Development Standards regarding the creation of Section 14.3.80 – Non-Fixed Food Establishments, as presented.

**TOWN OF ARGYLE, TEXAS
ORDINANCE NO. 2026-15**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF ARGYLE, TEXAS, AMENDING THE ARGYLE TOWN DEVELOPMENT STANDARDS BY AMENDING ARTICLE III, ZONING REGULATIONS, SECTION 14.3.80 (NON FIXED FOOD ESTABLISHMENTS, INCLUDING MOBILE FOOD VENDORS; ESTABLISHING REQUIREMENTS AND REGULATIONS FOR MOBILE FOOD VENDOR USE OF PROPERTY AS A MOBILE FOOD COURT OR MOBILE FOOD TEMPORARY SITE; PROVIDING FOR A PENALTY CLAUSE, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town Council of the Town of Argyle, Texas ("Town Council") has investigated and determined that it would be advantageous, beneficial and in the best interest of the citizens of the Town of Argyle, Texas ("Argyle") to amend the Argyle Town Development Standards by Amending Article III, Zoning Regulations, Section 14.3.80 (Non Fixed Food Establishments, Including Mobile Food Vendors); and

WHEREAS, to provide for permanent and temporary use of property by Mobile Food Vendors in a coordinated and safe manner, the Town Council finds that it is necessary to establish regulations on the location, parking, onsite associated activities, operational hours and duration of such uses.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ARGYLE, TEXAS:

SECTION 1. Incorporation of Premises. The above and foregoing recitals are found to be true and correct and are incorporated into the body of this Ordinance for all purposes.

SECTION 2. Adoption. That Article III, Zoning Regulations, Section 14.3.80– Non-Fixed Food Establishments of the Town of Argyle Town Development Standards is hereby amended per EXHIBIT A.

SECTION 3. Enforcement. That all building standards authorized by the zoning change shall conform to the Town Development Standards of the Town of Argyle, Texas, including the Comprehensive Zoning Ordinance, except as provided in this Ordinance.

SECTION 4. Penalty. That any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Town Development Standards of the Town of Argyle, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

SECTION 5. Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Argyle hereby declares that is would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 6. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 7. Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by law.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF ARGYLE, TEXAS, ON THIS THE 2nd DAY OF APRIL 2026.

APPROVED:

Ronald Schmidt, Mayor

ATTEST:

Erika McComis, Town Secretary

Exhibit A

Sec. 14.3.80. Non-Fixed Food Establishments.

- A. The interpretation and application of the provisions of these regulations shall be held to be the minimum requirements for the promotion of public health, safety, and general welfare.

Sec. 14.3.80-1. General.

- A. Purpose. The purpose of this Section is to define and establish regulations governing Mobile Food Vendors (MFV), Food Vending Vehicles, and the use of property as a Mobile Food Vending Court or Mobile Food Vending Temporary Site.
- B. Definitions. The following terms, phrases, words and their derivation shall have the meaning given herein:

Food Vending Vehicle (FVV). Any vehicle that is a self-enclosed food service establishment (including catering trucks, trailers, push carts, and roadside vendors) that operates to store, prepare, display, serve, or sell food as a food service establishment and is designed to be readily movable. A food vending vehicle may be self- or otherwise-propelled or be vehicle-mounted. A food vending vehicle does not include a stand or a booth.

Host Business. A business that possesses a Certificate of Occupancy for permanent use and provides for an MFV Temporary Site.

Mobile Food Vendor (MFV). Any person who dispenses food or beverages from a food vending vehicle for immediate service or consumption. An MFV does not include any operation that is not readily moveable.

Mobile Food Vendor (MFV) Court. A development with a site plan approved for MFV Court operations on a continuous basis at the discretion of the property owner.

Mobile Food Vendor (MFV) Temporary Site. An improved, developed site that meets the requirement for business operations of FVV(s) on a temporary basis and limited duration.

Readily moveable. Able to easily move without delay or difficulty; free of alterations, attachments, additions, placement, or change in, under, or upon the mobile food unit that prevent or otherwise reduce the ability to easily move without delay or

difficulty. Readily moveable also includes any other requirements set forth by the regulatory authority.

Seasonal food establishments. A food establishment that operates at a fixed location for a period greater than fourteen (14) consecutive days, but less than thirty (30) consecutive days.

Temporary food establishments. A food establishment that operates for a period of no more than 14 consecutive days in conjunction with a single event or celebration.

- C. *Allowed Zoning Districts.* MFV Courts and MFV Temporary Sites are permitted where authorized under the Use Chart Matrix. Reference Sec. 14.3.62. - Use Chart Matrix to find where these uses are permitted/not permitted.
- D. *Exemption.* The regulations in this Article shall not apply to MFV operations on public or private property when such operations are:
 1. conducted during a special event permitted under Section 14.3.71-13; or
 2. conducted during a Town-sponsored or partnered event.

14.3.80-2. *Mobile Food Vendor (MFV) Courts.*

- A. *Site Plan.* It shall be unlawful for a person to operate an MFV Court or an FVV on a site unless the site owner first obtains approval of a site plan in accordance with Section 14.3.25-2 Site Plan of the Town Development Standards. The approved site plan remains valid and in effect during operation of the MFV Court.
- B. *Zoning requirements* for off-street parking, landscaping, screening, etc. will be based on the zoning district in which the MFV Court is placed.
- C. *Permits Required.* Persons responsible for operating an MFV Court shall first obtain all required permits and approvals necessary for the operation of the MFV Court.
- D. *Location.*
 1. An FVV shall not be located within ten (10) feet of any permanent structure, other FVV or other vehicle.
 2. An MFV Court shall not be located within the required setback lines of a property, as established by the zoning district, or ten (10) feet from interior property lines, whichever one is greater.
 3. The location, orientation and maximum number of FVV permitted shall be as indicated on the approved site plan.
 4. FVVs shall not be parked in required parking spaces, fire lanes, dedicated easements, drive aisles or other vehicular or pedestrian access ways.

E. *Sanitary Facilities.* Sanitary toilets and hand-washing facilities shall be required within two hundred fifty (250) feet of an MFV Court. Such facilities shall be available to the public during all periods of FVV operations. Sanitary facilities shall be provided in accordance with the then-applicable ICC code adopted by the Town.

F. *Refuse and Environment.*

1. Provisions for containment and removal of refuse shall be reflected, reviewed and approved as part of the site plan process and subject to the review and approval of the Town's Community Development Department.
2. MFV and MFV Court Site Owners are responsible for mitigation of all environmental impacts, including best management practices of illicit discharge elimination. A Waste Disposal Plan detailing waste disposal is required.

Sec. 14.3.80-3. *Mobile Food Vendor (MFV) Temporary Site.*

A. *Permits Required.*

1. It shall be unlawful for a person to operate an MFV Temporary Site unless the Site Owner first obtains approval of a Temporary Certificate of Occupancy and the Temporary Certificate of Occupancy remains valid and in effect at all times during operation of the MFV Temporary Site.
2. An MFV Temporary Site requires a Host Business. The Host Business shall be indicated on the application and signed by the Host Business' authorized representative.
3. Temporary Site Owner shall first obtain all required permits and approvals necessary for the operation of the MFV Temporary Site.

B. *Location.*

1. An FVV within a MFV Temporary Site shall not be located within ten (10) feet of any permanent structure, other FVV or other vehicle.
2. An MFV Temporary Site shall not be located within the required front yard setback line of a property, as established by the zoning district or applicable plat, ten (10) feet from interior property lines or one hundred (100) feet from a residential zoning district.
3. An FVV shall not be parked in required parking spaces, fire lanes, dedicated easements, drive aisles or other vehicular or pedestrian access ways.
4. An FVV shall not be located within twenty (20) feet of outdoor restaurant seating areas of a restaurant establishment, other than the Host Business, without the written consent of the restaurant owner or owner's authorized representative.

- C. *Parking.* The Temporary Site Owner shall provide off-street parking to accommodate both the Host Business and the MFV temporary site. Overflow parking on adjacent properties shall be permitted only with the written consent of the adjacent property owner or owner's authorized representative. Verified complaints of parking problems will result in denial of future MFV Temporary Site requests.
- D. *Time and Duration.*
1. A Temporary Certificate of Occupancy for an MFV Temporary Site shall be valid for thirty (30) days after issuance. An MFV can request one thirty (30) day extension to the Temporary Certificate of Occupancy for a maximum of sixty (60) days.
 2. A MFV Temporary Site shall be permitted to operate only during the posted business hours of the Host Business, except for mobilization and demobilization, which must be pursued with reasonable promptness.
- E. *Public Thoroughfare / Right of Way.* MFV Temporary Sites and parking of FVVs are not permitted on a public thoroughfare or right of way other than during Town-sponsored events as approved by the Town.
- F. *Sanitary Facilities*
1. Public sanitary toilets and public hand-washing facilities shall be required within two hundred (250) feet of an FVV. Such facilities shall be available to the public during all periods of FVV operations.
 2. In the event a Host Business has agreed to allow an associated MFV Temporary Site to use the Host Business' facilities for purposes of compliance with this section, then the Temporary Site Owner shall provide written evidence of that agreement at the time of application.
- G. *Refuse and Environment.* Provisions for containment and removal of refuse shall be provided by the MFV or Host Business. MFV and Temporary Site Owners are responsible for mitigation of all environmental impacts, including best management practices of illicit discharge elimination. A Waste Disposal Plan detailing waste disposal is required.

Sec. 14.3.80-4 *Appeal.*

1. Any appeal for an administrative decision issued in connection with the requirements of this Article must be in writing and received by the Director of Community Development within fifteen (15) days after the date of the written notice of such decision.

2. The Director shall hear and decide on an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this Article.
3. An appeal for the Director's decision shall be made to the Town Manager. An appeal for the Town Manager's decision shall be made to the Town Council. The Town Council decision shall be the final determination.

Sec. 14.3.62. - Use Chart Matrix.

EXHIBIT B

14.3.62-1

A. Use Chart Matrix.

Legend for Use Chart		A, Agricultural	SF-2.5, Single-Family Residential Estate	SF-1, Single-Family Residential Estate	SF-20, Single-Family Residential	SF-10, Single-Family Residential	SF-7, Single-Family Residential	SFA, Single-Family Attached Residential	MF, Multifamily Residential	MH, Manufactured Home	OR, Office Retail	LR, Local Retail	CR, Community Retail	VC, Village Center	OT-1, Old Town 1	OT-2, Old Town 2	CF, Community Facilities	BP, Business Park	PD, Planned Development			
P	Permitted in zoning district																					
	Prohibited in zoning district																					
S	Permitted in zoning district following approval of a Specific Use Permit (SUP)																					
Sec.	Permitted in PD, Planned Development District only																					
Sec.	Governed by indicated code section																					
No.	Use																					
	Mobile Food Vendor (MFV) Court												S							P	Sec. 14.3.51	
	Mobile Food Vendor (MFV) Temporary Site												S								P	Sec. 14.3.51



Mayor and Council Agenda Item Memorandum

ITEM TYPE

Public Hearing Item

MEETING DATE:

April 2, 2026

PRESENTER:

Harrison Wicks, Director of Community Development

REQUESTED BY:

Town Council

ITEM DESCRIPTION:

Hold a public hearing and consider action on Ordinance 2026-16 amending (TDS-26-003) Article III, Zoning, of the Town of Argyle Town Development Standards regarding an amendment to Section 14.3.67 – Landscape Requirements and other related provisions in the Town Development Standards.

BACKGROUND INFORMATION:

Town staff is proposing amendments to the Town's development standards for bufferyard requirements along FM 407, in order to increase the width of the bufferyard in the corridor in order to preserve the rural nature of the roadway.

FISCAL IMPACT:

- Not Applicable
- Proposed Expenditure:
- General Ledger Code:
- Proposed Revenue:
- Budget Amendment Required: No
- Financial Review Completed by:

LEGAL REVIEW:

The Town Manager reviewed this item.

ATTACHMENTS:

Ordinance 2026-16
Exhibit A - Bufferyard Amendments

RECOMMENDED MOTION AND/OR ACTION:

Move to adopt Ordinance 2026-16 amending (TDS-26-003) Article III, Zoning, of the Town of Argyle Town Development Standards regarding an amendment to Section 14.3.67 – Landscape Requirements, as presented.

**TOWN OF ARGYLE, TEXAS
ORDINANCE NO. 2026-16**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF ARGYLE, TEXAS, AMENDING THE ARGYLE TOWN DEVELOPMENT STANDARDS BY AMENDING ARTICLE III, ZONING REGULATIONS, SECTION 14.3.67 LANDSCAPE REQUIREMENTS TO AMEND LANDSCAPE BUFFERS ALONG FM 407; PROVIDING FOR A PENALTY CLAUSE, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town Council of the Town of Argyle, Texas ("Town Council") has investigated and determined that it would be advantageous, beneficial and in the best interest of the citizens of the Town of Argyle, Texas ("Argyle") to amend the Argyle Town Development Standards by Amending Article III, Zoning Regulations, Section 14.3.67 Landscape Requirements; and

WHEREAS, to provide larger buffers along FM 407 to preserve the rural character of the roadway, the Town Council finds that it is necessary to amend the bufferyard requirements.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ARGYLE, TEXAS:

SECTION 1. Incorporation of Premises. The above and foregoing recitals are found to be true and correct and are incorporated into the body of this Ordinance for all purposes.

SECTION 2. Adoption. That Article III, Zoning Regulations, Section 14.3.67 Landscape Requirements of the Town of Argyle Town Development Standards is hereby amended per EXHIBIT A.

SECTION 3. Enforcement. That all building standards authorized by the zoning change shall conform to the Town Development Standards of the Town of Argyle, Texas, including the Comprehensive Zoning Ordinance, except as provided in this Ordinance.

SECTION 4. Penalty. That any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Town Development Standards of the Town of Argyle, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

SECTION 5. Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force

and effect. Argyle hereby declares that is would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 6. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 7. Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by law.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF ARGYLE, TEXAS, ON THIS THE ____ DAY OF _____ 2026.

APPROVED:

Ronald Schmidt, Mayor

ATTEST:

Erika McComis, Town Secretary

Sec. 14.3.67. - Landscape Requirements.

EXHIBIT A

Item 7.

14.3.67-1 Purpose. Landscaping is accepted as adding value to property and is in the interest of the general welfare of the Town. The provision of landscaped areas also serves to increase the amount of a property that is devoted to pervious surface area that, in turn, helps to reduce the amount of impervious surface area, stormwater runoff, and consequent non-point pollution in local waterways. Therefore, landscaping is hereafter required of new development.

14.3.67-2 Scope and Enforcement. The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new construction or any construction that increases the existing square footage of a structure by more than 30 percent. Additionally, any use requiring a specific use permit or a PD zoning designation must comply with these landscape standards unless special landscaping standards are otherwise provided for in the ordinance establishing the SUP or PD district. The provisions of this section shall be administered and enforced by the Town Administrator or designee. The landscape standards in this section apply to nonresidential and multifamily developments (including uses such as schools and churches within a residential zoning district), and minimal front yard landscaping standards apply to single-family and duplex residential developments and individual lots.

If at any time after the issuance of a certificate of occupancy, the approved landscaping is found to be not in conformance with the standards and criteria of this section, the Town Administrator (or his/her designee) shall issue notice to the owner, citing the violation and describing what action is required to comply with this section. The owner, tenant or agent shall have 30 days from date of said notice to establish/restore the landscaping, as required. If the landscaping is not established/restored within the allotted time, then such person shall be in violation of this ordinance.

14.3.67-3 Permits. No permits shall be issued for building, paving, grading or construction until a detailed landscape plan is submitted and approved by the Town Administrator, or his/her designee, along with the site plan and engineering/construction plans. A landscape plan shall be required as part of the site plan submission, as required in [Section 14.3.25](#). The landscape plan may be shown on the site plan (provided the site plan remains clear and legible) or may be drawn on a separate sheet. Prior to the issuance of a certificate of occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan.

In any case in which a certificate of occupancy is sought at a season of the year in which the Town Administrator, or his/her designee, determines that it would be impractical to plant trees, shrubs or ground cover, or to successfully establish turf areas, a temporary certificate of occupancy may be issued provided a letter of agreement from the property owner is submitted that states when the installation shall occur. All landscaping required by the landscaping plan shall be installed within six months of the date of the issuance of the certificate of occupancy.

14.3.67-4 Landscape Plan. Prior to the issuance of a building, paving, grading or construction permit for any use other than single-family detached or duplex dwellings, a landscape plan shall be submitted to the Town Administrator, or his/her designee. The Town Administrator, or his/her designee, shall review such plans and shall approve same if the plans are in accordance with the criteria of these regulations. If the plans are not in conformance, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.

Landscaping plans shall be prepared by a person knowledgeable in plant material usage and landscape design (e.g., landscape architect, landscape contractor, landscape designer, etc.) and shall contain the following minimum information:

- A. Minimum scale of one inch equals 50 feet or other such scale as approved by the Town Administrator, or his/her designee; show scale in both written and graphic form.
- B. Location, size and species of all trees to be preserved (do not use "tree stamps" unless they indicate true size and location of trees).
- C. Location of all plant and landscaping material to be used, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), topography of site, or other landscape features.
- D. Species and common names of all plant materials to be used.
- E. Size of all plant material to be used (container size, planted height, etc.).
- F. Spacing of plant material where appropriate.
- G. Layout and description of irrigation, sprinkler, or water systems including location of water sources.
- H. Description of maintenance provisions.
- I. Name and address of the person(s) responsible for the preparation of the landscape plan.
- J. North arrow/symbol, and a small map showing where the property is located.
- K. Date of the landscape plan.

14.3.67-5 General Standards. The following criteria and standards shall apply to landscape materials and installation:

- A. All non-paved surfaces shall be completely covered with living plant material. Landscaping materials such as wood chips and gravel may be used under trees, shrubs and other plants, but shall not comprises significant portion of the total landscaped area. This requirement shall not apply to public or private playgrounds built in association with any nonresidential or park use.
- B.

Plant materials shall conform to the standards of the approved plant list for the Town of Argyle (see Section 14.5.50 of Article V "Tree Preservation" for the approved plant list) and the current edition of the "American Standard for Nursery Stock" (as amended), published by the American Association of Nurserymen. Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects.

- C. Canopy trees required pursuant to this Section 14.3.67 shall meet the following minimum criteria:
1. A minimum trunk diameter of six inches (measured four and one-half feet above the ground) and ten feet in height at time of planting.
 2. All new trees shall be provided with a permeable surface under the drip line a minimum of five feet by five feet.
- D. Understory/ornamental trees required pursuant to this Section 14.3.67 shall meet the following minimum criteria:
1. A minimum of four inch (measured four and one-half feet above the ground) and ten feet in height at time of planting.
 2. All new trees shall be provided with a permeable surface under the drip line a minimum of five feet by five feet.
- E. Shrubs required pursuant to this Section 14.3.67 shall meet the following minimum criteria:
1. Shrubs variety shall be a minimum of five gallons and two feet in height when measured immediately after planting.
 2. Hedges, where installed for buffering purposes, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen which will be at least six feet high within three years after time of planting (except for parking lot/headlight screens, which shall form a continuous, solid visual screen three feet high within two years after planting).
- F. Vines not intended as ground cover shall be a minimum of two feet in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet landscape screening requirements as set forth.
- G. Grass areas shall be sodded, plugged, sprigged, hydro-mulched and/or seeded, except that solid sod shall be used in swales, earthen berms or other areas subject to erosion.
- H. Ground covers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably completed coverage within one year of planting.
- I. All landscaped areas shall be equipped with an automatic, underground irrigation system with freeze and moisture sensors to prevent watering at inappropriate times. Landscaped areas having less than ten square feet in area may be irrigated by some other inconspicuous method. If appropriate xeriscape planting techniques are utilized, the Town Council may

waive the requirement for an underground irrigation system at the time of site plan approval. However landscaping shall be required to be maintained in a healthy, living and growing condition, and any irrigation devices shall not be visible from public streets or walkways.

- J. Earthen berms shall have side slopes not to exceed 33.3 percent (three feet of horizontal distance for each one foot of vertical height). All berms shall contain necessary drainage provisions as may be required by the Town's Engineer.
- K. The planting requirements specified herein shall not be cumulative and planting materials required to meet one section of the ordinance may be credited toward the requirements to meet other sections of the ordinance. For example, tree plantings required to meet the bufferyard standards may also be credited toward the tree planting requirements for the perimeter planting requirements for off-street parking and vehicular use areas.

14.3.67-6 Minimum Landscaping Requirements for Nonresidential and Multifamily Developments.

- A. The following percentages of landscaping coverage are the minimum required for all properties that are subject to this section.

Zone	% Landscaping
OR	20
LR	20
CR	25
CF	25
BP	20

- B. Landscaped areas include all areas that are planted. Areas that are retained in a natural state may be included, if they are comprised of native or non-invasive species and are maintained in a weed-free condition.
- C. Tree canopy is measured by computing the area that the mature canopy will encompass, based on the standard tree list in Section 14.5.50 of Article V "Tree Preservation." Mature canopies shall be estimated for existing trees on-site. Any tree not on the tree list shall be estimated by use of the American standards for nursery stock.
- D.

Landscaping in the adjacent public right-of-way may be counted toward meeting the overall landscaping requirements on a case-by-case basis, if approved by the Town Council.

- E. The percentages specified in this section are the minimum required. At times, more landscaping or tree canopy will be required to meet the needs of the other sections of the landscaping standards, such as screening or parking areas, landscaping of setback areas, and providing usable outdoor space.
- F. With the exception of athletic fields, golf courses, and playgrounds, all areas, which are not used for building or parking, are required to be landscaped, and where adequate room exists, all landscaped areas are required to contain trees.
- G. Landscaping design shall include a variety of deciduous and evergreen trees and shrubs and flowering plant species well adapted to the local climate.
- H. *Street Trees*. All development fronting on public or private streets, excepting alleys, shall be required to plant street trees in accordance with the following standards. The Town Administrator, or his/her designee, may approve alternative plans due to special conditions, which may, for reasons such as safety, affect the ability to meet these standards:
 - 1. Street trees shall be located between the street and sidewalk, except in cases where there is a designated planting strip in the right-of-way, or the sidewalk is greater than eight feet wide and designated to accept trees in tree wells.
 - 2. *Spacing, Placement, and Pruning of Street Trees*.
 - a. Street trees shall be planted at the rate of one tree for every 30 feet, or major fraction thereof, of street frontage. Street trees shall be planted at a regular interval along the street frontage, and shall be of the same species within any specific block.
 - b. Street trees shall not be planted closer than 25 feet from the curblines of intersections of streets or alleys, and no closer than ten feet from private driveways (measured at the back edge of the sidewalk), fire hydrants, or utility poles.
 - c. Street trees shall not be planted closer than 20 feet to light standards. Except for public safety, no new light standard location shall be positioned closer than ten feet to any existing street tree, and preferably such locations will be at least 20 feet distant.
 - d. Street trees shall not be planted closer than six feet from the face of the curb except at intersections where it shall be five feet from the curb in a curb return area.
 - e. Where there are overhead power lines, tree species are to be chosen that will not interfere with those lines.
 - f. Street trees shall not be planted within four feet of any permanent hard-surface paving or walkway. Sidewalk cuts in concrete for street trees shall be at least 64 inches; however, larger cuts are encouraged because they allow additional air and

water into the root system and add to the health of the tree. Space between the tree and the hard surface may be permeable, non-permanent hard surfaces such as iron grates, bricks on sand, or paver blocks.

3. Existing trees may be used as street trees if there will be no damage from the development that will kill or weaken the tree. Sidewalks of variable width and elevation may be utilized to save existing trees, subject to approval by the Development Review Committee.
 4. Street trees shall be maintained by the adjoining property owner.
 5. Street trees shall include irrigation, root barriers, and generally conform to the standards established by the Town of Argyle.
- I. **Bufferyards.** Bufferyards shall be required in accordance with this section to separate different land uses from each other and to eliminate or minimize potential nuisances such as dirt, litter, noise, glare, signs, and unsightly buildings or parking areas, or to provide spacing to reduce the adverse impacts of noise, odor or danger from fire or explosions. Both the amount of land and the type and amount of planting and specified structures for each bufferyard are designed to lessen nuisances between adjacent land uses or between a land use and a public road.
1. **Location.** Bufferyards shall be located within and along the outer perimeter of a lot or boundary line. Bufferyards may overlap drainage and/or utility easements; however, plantings shall not impede the flow of water within a drainage easement. Bufferyards shall not be located on any portion of an existing or dedicated public street or right-of-way.
 2. **Bufferyard Requirements.**
 - a. The table below indicates the type of bufferyard required between two adjacent parcels. The letter designations contained in the table refers to the various bufferyards described in c. below.

Zoning of Developing Tract	Zoning of Adjacent Tract				
	A, SF-2.5, SF-20, SF-10	SF-7, 2F, SFA, MF, MH, OT-2	OR, LR, VC, OT-1	CR	BP
A, SF-2.5, SF-20, SF-10	*	*	*	*	*
SF-7, SFA, MF	F	A	A	*	*

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MH	F	D	A	*	*
OT-1, OT-2	AA	AA	*	*	*
OR, LR, VC	F	F	*	*	*
CR, CF	F	F	A	*	*
BP	F	F	F	F	A

b. The table below indicates the type of bufferyard required adjacent to streets. The letter designations contained in the table refers to the various bufferyards described in c. below.

Zoning of Developing Tract	Frontage on FM 407*	Frontage on I.H. 35 or US Hwy 377	Frontage on Thoroughfares/Coll ectors		Frontage on Residenti al Street
	*This excludes the portion of FM 407 adjacent to the Town Center District, located from the east side of US Hwy 377 to the west side of Ben Boyd Rd		Across from Commercial/ Industrial	Across from Residential	
A, SF-2.5, SF-20, SF-10	E	B	B	B	*
SF-7, SFA, MF	E	C	A	A	A
MH	E	C	B	C	D
OT-1, OT-2	E	B	B	B	B
OR, LR, VC	E	E	E	E	E
CR, CF	E	D	E	E	E
BP	E	D	E	E	E

In addition to the standards as specified herein, residential subdivisions that back to a collector or an arterial street shall provide an F screening wall along the street frontage.

- c. *Required Bufferyard Elements.* The tables below indicates the elements to be incorporated into each of the specified bufferyards.

Table 1:

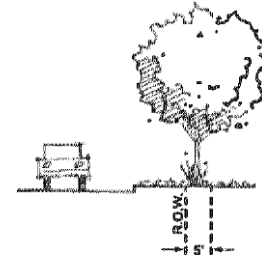
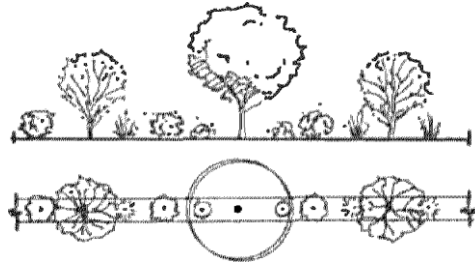
Bufferyard	Minimum Width	Required Planting Materials per 100 Linear Feet			Required Structure	
		Canopy Trees	Understory Trees	Shrubs	Type	Minimum Height
A	5'	1	2	8	None	None
AA	10'	1	2	8	Masonry Wall	8'
B	10'	2	3	10	None	None
C	10'	3	4	12	None	None
D	10'	4	5	18	None	None
E	50'	4	8	12	None	None
F	50'	4	8	12	Masonry wall	8'

Table 2:

Item 7.

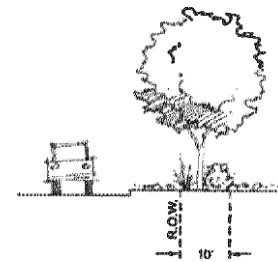
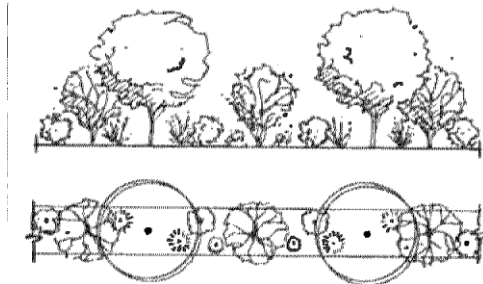
Buffer Yard 'A'

- 5-foot min. width
- Min. 1 canopy tree
- Min. 2 understory trees
- Min. 8 screening shrubs
- No fence or berm required



Buffer Yard 'B'

- 10-foot min. width
- Min. 2 canopy trees
- Min. 3 understory trees
- Min. 10 screening shrubs
- No fence or berm required

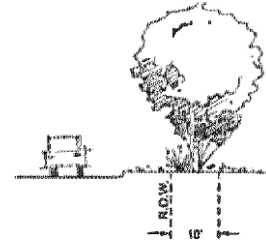
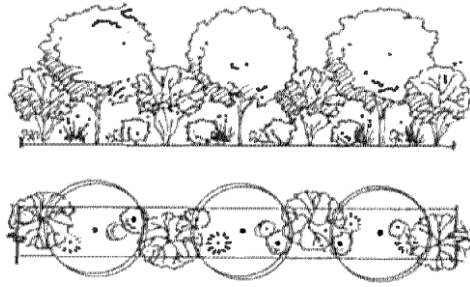


Item 7.

Buffer Yard 'C'

'C'

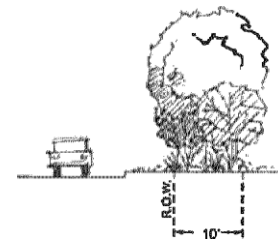
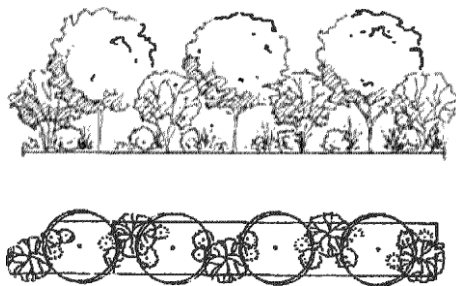
- 10-foot min. width
- Min. 3 canopy trees
- Min. 4 understory trees
- Min. 12 screening shrubs
- No fence or berm required



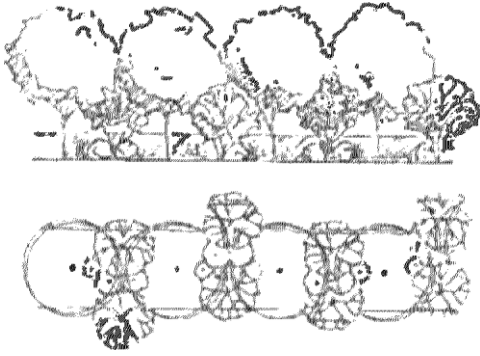
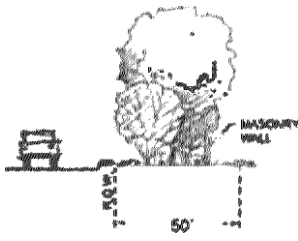
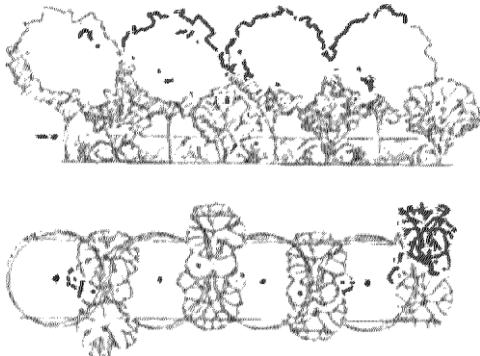
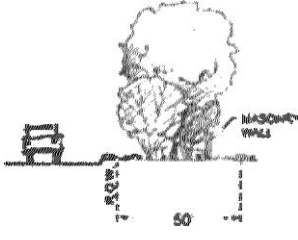
Buffer Yard 'D'

'D'

- 10-foot min. width
- Min. 4 canopy trees
- Min. 5 understory trees
- Min. 18 screening shrubs
- No fence or berm required



Item 7.

<p>Buffer Yard 'E'</p> <ul style="list-style-type: none"> • 50 foot min. width • Min. 4 canopy trees • Min. 8 understory trees 		
<p>Buffer Yard 'F'</p> <ul style="list-style-type: none"> • 50 min. width • Min. 4 canopy trees • Min. 8 understory trees • Min. 12 screening shrubs • 8-ft high masonry wall required 		

d. *Required Structures.* Whenever a masonry wall is required within a bufferyard, it shall measure eight feet in height and be constructed in accordance with specifications set forth in the Town's design standards, including the submission of construction plans prepared and sealed by a professional engineer. An "F" fence shall be of masonry

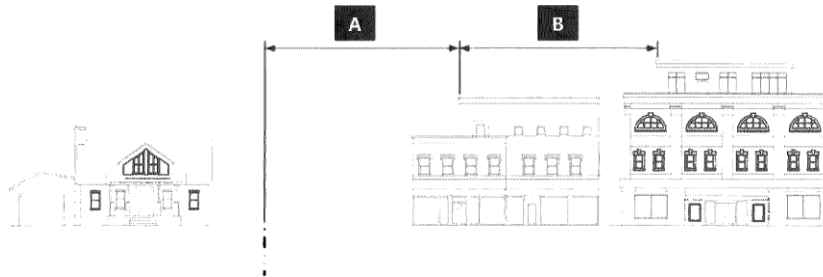
construction with like and similar masonry materials to those of the primary structure. A finished side of masonry wall shall face the residential or less intense use it is intended to buffer or screen.

Item 7.

e. *Building Height in Transition Areas.*

- A. Any portion of a building within 50 feet of a property zoned in a residential district, as provided in Article III zoning, shall not exceed the maximum building height allowed in the abutting residential district. Portions of buildings within 50 feet are not eligible for additional building height that may otherwise be allowed.
- B. Any portion of a building between 50 feet and 100 feet of a property zoned in a residential district, as provided in Article III zoning, shall not exceed the maximum building height allowed in the abutting residential district, plus 15 feet. Portions of buildings between 50 feet and 100 feet are not eligible for additional building height that may otherwise be allowed.
- C. Any portion of a building beyond 100 feet from a property zoned in a residential district, as provided in Article III zoning, shall not exceed the allowed building height of the zoning district where the building is located. Portions of buildings beyond 100 feet are eligible for additional building height that may otherwise be allowed.

Figure 1: Building Height in Transition Areas



- J. Where the Street Tree requirements and Bufferyard Tree requirements overlap for canopy trees. the standard that requires the higher number of trees shall prevail.
- K. *Minimum Requirements for Off-Street Parking and Vehicular Use Areas.* Except for the OT-1 zoning district, parking lots, and vehicular use areas for developments within all the nonresidential zoning districts are to be effectively screened from the public view and adjacent property. Both the interior and perimeter of such areas shall be landscaped in accordance with the following criteria. Areas used for parking or vehicular storage which are under, on, or within buildings are exempt from these standards.
 1. *Interior Landscaping.* A minimum of ten percent of the gross parking areas shall be devoted to living landscaping that includes grass, ground cover, plants, shrubs, and trees. Gross parking area is to be measured from the edge of the parking lot and/or driveway

paving and sidewalks. The following additional criteria shall apply to the interior of parking lots.

- a. Interior landscape areas shall be protected from vehicular encroachment or overhang through appropriate wheel stops or curbs.
 - b. There shall be a minimum of one overstory tree planted for each 400 square feet or fraction thereof of required interior landscape area.
 - c. Interior areas of parking lots shall contain planting islands located so as to best relieve the expanse of paving. Planter islands must be located no further apart than every 12 parking spaces and at the terminus of all rows of parking. Such islands shall contain at least one overstory tree. Planter islands shall not be required for lots containing less than 35,000 square feet. The remainder shall be landscaped with shrubs, lawn, ground cover, and other appropriate material not to exceed three feet in height at maturity. Interior planter islands shall have a minimum size of 16 square feet and a minimum width of eight feet as measured from back-of-curb to back-of-curb or nine feet from edge-of-pavement to edge-of-pavement if constructed without curbs.
 - d. The Town may approve planter islands required by Section 14.3.67-6.J.I.c. above to be located further than apart than 12 parking spaces in order to preserve existing trees in interior parking areas. Off-street parking and drive areas located within the drip line of a tree shall be paved with permeable material approved by the Town when the drip line of an existing tree is larger than the planter islands required by Section 14.3.67-5.C.3.
2. *Perimeter Landscaping.* All parking lots and vehicular use areas located between a primary structure and a public right-of-way shall be screened from all public rights-of-way with a landscape barrier. Plants and materials used in the landscaped strip shall meet the minimum specifications as established in Sections 14.3.67-5.C., 14.3.67-5.D., and 14.3.67-5.E.

Perimeter landscaping shall be designed to screen off-street parking areas and other vehicular use areas, except for driveways that provide direct connection to a public right-of-way, from public rights-of-way. Said perimeter landscaping shall include the following:

- a. Whenever an off-street parking area or vehicular use area is located between a primary structure and a public right-of-way, except a public alley, a perimeter landscape area of at least 15 feet in depth shall be maintained between the abutting public right-of-way and the off-street parking or vehicular use area. An appropriate landscape screen or barrier shall be installed in this area and the remaining area shall be landscaped with materials as specified in b. below.
- b.

The following planting materials shall be required within a landscape barrier as specified herein. Plant materials as required for the mandatory bufferyards required by Section 14.3.67-6 may be counted toward the perimeter landscape requirements specified herein:

1. One overstory tree per 30 lineal feet of frontage;
2. Three understory trees per 30 lineal feet of frontage;
3. Curvilinear berm measuring a minimum of three feet in height or a hedge row creating a solid vegetative screen at maturity of the plant materials. Said plant materials shall meet the minimum criteria for shrubs as specified by Section 14.3.67-5.E.; and
4. All areas not covered by plant materials specified in items 1. through 3. above shall be covered in ground cover, which shall be selected from the approved plant list.

L. *Landscaping Requirements for Non-Vehicular Open Space.* Development within the LR, CR, CF, and BP zoning districts shall meet the following landscaping standards in addition to the landscaping of off- street parking and vehicular use areas and all bufferyards required by Section 14.3.67-6. All remaining open spaces on any developed lot or parcel shall conform to the following minimum criteria:

1. Grass, ground cover, shrubs, and other landscape materials shall be used to cover all open ground within 20 feet of any building or paving or other use such as storage.
2. All structures shall be treated with landscaping so as to enhance the appearance of the structure and to screen any detractive or unsightly appearance.
3. Landscaping shall be provided on each developed lot in accordance with the following standards (except for development within the OT-1 zoning district):
 - a. *Overstory Trees.* Overstory trees shall be planted in non-vehicular open space to meet the following criteria. Existing trees that are preserved on a developed site may be credited as specified by this section.

<i>Percentage of Site in Vehicular Open Space:</i>	<i>Tree Ratio per Non-Vehicular Open Space:</i>
Less than 30	1 tree/2,500 square feet
30 to 49	1 tree/3,000 square feet
More than 49	1 tree/4,000 square feet

4. Landscaping that is in excess of the required minimum open space that is located in Item 7. rear yard of the site shall not be used to meet the minimum open space requirements for the site.

M. Vehicular driveways from the public right-of-way and sidewalks, in accordance with Town regulations, shall be permitted through all required landscaping.

14.3.67-7 Minimum Landscaping Requirements for Single-Family and Two-Family Residential Developments.

A. For all single-family and two-family developments, each residential lot shall be required to have one large shade tree and two small ornamental trees within the front yard. The required trees shall be installed prior to issuance of a certificate of occupancy for the premises, and shall be maintained in a living and growing condition by the owner of the premises.

14.3.67-8 Sight Distance and Visibility.

- A. Strict compliance with these landscaping requirements shall not be such as to cause visibility obstructions and/or blind corners at intersections.
- B. Landscaping, except required grass and low ground cover, shall not be located closer than three feet from the edge of any vehicular pavement.
- C. In the event other visibility obstructions are apparent in the proposed landscape plan, as determined by the Town Administrator, or designee, the requirements set forth herein may be slightly reduced, if necessary, to remove the conflict.

14.3.67-9 Maintenance.

A. The owner, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not to be limited to, mowing (of grass six inches or higher), edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant materials which die shall be replaced with plant material of similar variety and size, within 90 days. Trees with a trunk diameter in excess of six inches measured 24 inches above the ground may be replaced with ones of similar variety having a trunk diameter of no less than three inches measured 24 inches above the ground on a caliper-inch for caliper-inch basis. A time extension may be granted by the Town Administrator, or designee, if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner or his/her agent.

B.

It shall be the duty of any person or persons owning or occupying real property bordering on any street to prune trees next to the street in such manner that they will not obstruct or shade the streetlights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct the view from any street or alley intersection, pursuant to the Town's visibility standards. The minimum clearance of any portion of a tree overhanging public street right-of-way shall be 14 feet, and overhanging a public sidewalk shall be eight feet.

- C. Failure to maintain any landscape area in compliance with this section is considered a violation of this section and may be subject to penalties of this ordinance.

14.3.67-10 Tree Preservation.

- A. Trees shall be preserved in accordance with Argyle's Tree Preservation Ordinance as set out in Article V.

(Ord. No. 2010-01, § 3, 1-12-10; Ord. No. 2010-17, § 2, 10-26-10; Ord. No. 2019-04, § 5 (Exh. E), 3-26-19; Ord. No. 2020-06, § 2, 3-24-20; Ord. No. 2021-21, § 2(Exh. A), 10-4-21; Ord. No. 2022-01, § 2(Exh. A), 2-7-22; Ord. No. 2024-10, § 2(Exh. A), 3-18-24; Ord. No. 2024-26, § 2(Exh. A), 9-16-24)



Mayor and Council Agenda Item Memorandum

ITEM TYPE

Public Hearing Item

MEETING DATE:

April 2, 2026

PRESENTER:

Harrison Wicks, Director of Community Development

REQUESTED BY:

Mayor Ronald Schmidt

ITEM DESCRIPTION:

Hold a public hearing and consider action on Ordinance 2026-17 amending (TDS-26-006) Article I, General, of the Town of Argyle Town Development Standards regarding an amendment to Section 14.1.5 – Definitions for Development, Large Scale, and other related provisions in the Town Development Standards.

BACKGROUND INFORMATION:

The Development, Large Scale Use was approved by Town Council during their meeting on November 20, 2023. The definition reads as follows:

Development, Large Scale means a building, regardless of use, that is 40,000 square feet or larger.

The current proposal is to amend the definition to allow the 40,000 square foot requirement to include a cumulative square foot total across multiple buildings, instead of a single structure.

The proposed definition is as follows:

Development, Large Scale means a building or series of buildings, regardless of use, that is 40,000 square feet or larger.

Since the Development, Large Scale Use is permitted by Specific Use Permit (SUP) in all zoning districts, the cumulative total of square footage would also require an SUP. An

outcome of this amendment would be that developments with multiple structures may now need an SUP as part of the development process, when previously the SUP was only applied to a single structure.

FISCAL IMPACT:

- Not Applicable
- Proposed Expenditure:
- General Ledger Code:
- Proposed Revenue:
- Budget Amendment Required: No
- Financial Review Completed by:

LEGAL REVIEW:

The Town Manager reviewed this item.

ATTACHMENTS:

A. Ordinance 2026-17

RECOMMENDED MOTION AND/OR ACTION:

Move to adopt ordinance 2026-17 regarding an amendment to Section 14.1.5 – Definitions for Development, Large Scale, as presented.

**TOWN OF ARGYLE, TEXAS
ORDINANCE NO. 2026-17**

AN ORDINANCE OF THE TOWN OF ARGYLE, TEXAS, AMENDING SECTIONS 14.1.5 OF THE TOWN’S CODE OF ORDINANCES TO AMEND THE DEFINITION OF “DEVELOPMENT, LARGE SCALE” TO STIPULATE CUMULATIVE EFFECT; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000.00 DOLLARS FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED UPON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING SAVINGS/REPEALING AND SEVERABILITY CLAUSES; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town of Argyle, Texas (the “Town”) is a Type A general-law municipality created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town Council has further investigated and determined that it to be advantageous and beneficial to the citizens of Argyle to amend the Code of Ordinances as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ARGYLE, TEXAS:

SECTION 1. Incorporation of Premises. The above and foregoing recitals are found to be true and correct and are incorporated into the body of this Ordinance for all purposes.

SECTION 2. Section 14.1.5 “Definitions – Development, Large Scale” of the Code of Ordinances of the Town of Argyle, Texas is hereby amended to read in its entirety as follows:

Sec. 14.1.5. – Definitions.

Development, Large Scale means a building or series of buildings, regardless of use, that is 40,000 square feet or larger.

SECTION 3. Penalty. An offense under this ordinance shall be a strict liability offense; in the prosecution of an offense under this Ordinance, no pleading or proof of intent shall be required to establish the guilt of an accused. Any person, firm, entity, or corporation violating any of the provisions or terms of this Ordinance shall, upon conviction, be punished by a fine not to exceed two thousand dollars (\$2000.00) for each offense, and a separate offense shall be deemed committed upon each day on or which a violation occurs or continues.

SECTION 4. Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that

any and all remaining portions of this Ordinance shall remain in full force and effect. Argyle hereby declares that is would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 5. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 6. Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by law.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF ARGYLE, TEXAS, ON THIS THE 2nd DAY OF APRIL 2026.

APPROVED:

Ronald Schmidt, Mayor

ATTEST:

Erika McComis, Town Secretary



Mayor and Council Agenda Item Memorandum

ITEM TYPE

Action Item

MEETING DATE:

April 2, 2026

PRESENTER:

Harrison Wicks, Director of Community Development

REQUESTED BY:

Councilmember Martin Brading

ITEM DESCRIPTION:

Discuss and consider Ordinance 2026-18 to amend (TDS-26-004) Article 8.02, Nuisances, of the Town of Argyle Code of Ordinances regarding amendments to Section 8.02.003 Noise and other related provisions in the Code of Ordinances.

BACKGROUND INFORMATION:

Councilmember Brading requested consideration of amendments to the Code of Ordinances noise standards in order to better protect residents from harmful noise that pose a nuisance.

Town staff reviewed noise standards in the region for best practices and recommends the new standards as shown in Exhibit A.

FISCAL IMPACT:

- Not Applicable
- Proposed Expenditure:
- General Ledger Code:
- Proposed Revenue:
- Budget Amendment Required: No
- Financial Review Completed by:

LEGAL REVIEW:

The Town Manager reviewed this item.

ATTACHMENTS:

Ordinance 2026-18
Exhibit A - New noise standards
Exhibit B - Current noise standards

RECOMMENDED MOTION AND/OR ACTION:

Move to adopt ordinance 2026-18 amending Section 8.02.003 Noise of the Town of Ordinances, as presented.

**TOWN OF ARGYLE, TEXAS
ORDINANCE NO. 2026-18**

AN ORDINANCE OF THE TOWN OF ARGYLE, TEXAS, AMENDING SECTION 8.02.003 OF THE TOWN'S CODE OF ORDINANCES TO AMEND NOISE STANDARDS; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000.00 DOLLARS FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED UPON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING SAVINGS/REPEALING AND SEVERABILITY CLAUSES; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town of Argyle, Texas (the "Town") is a Type A general-law municipality created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town Council has further investigated and determined that it to be advantageous and beneficial to the citizens of Argyle to amend the Code of Ordinances as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ARGYLE, TEXAS:

SECTION 1. Incorporation of Premises. The above and foregoing recitals are found to be true and correct and are incorporated into the body of this Ordinance for all purposes.

SECTION 2. Section 8.02.003 Noise of the Code of Ordinances of the Town of Argyle, Texas is hereby amended and replaced in its entirety with the language in EXHIBIT A attached to this ordinance.

SECTION 3. Penalty. An offense under this ordinance shall be a strict liability offense; in the prosecution of an offense under this Ordinance, no pleading or proof of intent shall be required to establish the guilt of an accused. Any person, firm, entity, or corporation violating any of the provisions or terms of this Ordinance shall, upon conviction, be punished by a fine not to exceed two thousand dollars (\$2000.00) for each offense, and a separate offense shall be deemed committed upon each day on or which a violation occurs or continues.

SECTION 4. Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Argyle hereby declares that is would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 5. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 6. Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by law.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF ARGYLE, TEXAS, ON THIS THE 2ND DAY OF APRIL 2026.

APPROVED:

Ronald Schmidt, Mayor

ATTEST:

Erika McComis, Town Secretary

Exhibit A

Sec. 8.02.003 Noise Control

Sec. 8.02.003-1. Purpose.

The purpose of this ordinance is to protect the peace, health, safety, and quiet enjoyment of residential neighborhoods by regulating noise from commercial establishments, outdoor patios, and amplified sound. The Town affirms that residential character and citizen quality-of-life shall take precedence over commercial activity.

Sec. 8.02.003-2. 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. All terminology used in this article not defined in this section, shall be in conformance with applicable publications of the American National Standards Institute (ANSI), or its successor body.

Ambient (background) sound pressure level means the all-encompassing sound associated with a given environment, being usually a composite of sounds from all sources, excluding the alleged offensive sound, at the location and approximate time at which a comparison with the alleged offensive sound is to be made.

Amplified sound means any sound projected by mechanical, electrical, or digital amplification, including speakers, PA systems, subwoofers, live music equipment, DJ systems, televisions, or outdoor audio systems.

Commercial establishment means any restaurant, bar, café, club, church, school, event venue, or any business offering food, beverage, entertainment, or assembly.

Cyclically varying noise means any sound which varies in sound level such that the same level is obtained repetitively at relatively uniform intervals of time.

Decibel (dB) means a unit for measuring the volume of a sound, equal to 20 times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter), denoted as dB.

Device means any mechanism which produces, or is intended to produce, noise when operated or handled.

Emergency vehicle means a motor vehicle used in response to a public calamity or to protect persons or property from imminent exposure to danger.

Emergency work means any work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an emergency.

Energy equivalent sound level (leq) means the sound level corresponding to the average sound energy during a specified period of time. Its calculation involves the conversion of decibels (a logarithmic quantity) to corresponding intensities (a linear quantity), performing the averaging, and finally changing the average back to decibels.

Impulsive sound means sound characterized by a peak less than one second in length, an abrupt onset, a rapid decay, and a peak sound level which exceeds the ambient sound level by 20dB(A) or more.

Motor vehicle means any vehicle propelled by mechanical power, such as, but not limited to, any passenger car, truck, truck-trailer, semitrailer, camper, motorcycle, minibike, go-cart, dune buggy or racing vehicle.

Noise means any sound which annoys or disturbs a person, or which causes or tends to cause an adverse psychological or physiological effect on people.

Noise disturbance means any unreasonably loud or disturbing noise which is offensive to an adult person within the town, in which noise renders the enjoyment of life or property uncomfortable or interferes with public peace and comfort.

Nuisance noise means any noise that disturbs or interferes with the comfort, rest, health, peace, or quiet enjoyment of nearby residents.

Outdoor patio includes any outdoor seating, dining, bar service, or entertainment area accessible to patrons.

Powered model vehicle means any self-propelled airborne, waterborne or land-borne plane, vessel or vehicle, which is not designed to carry persons including, but not limited to, any model airplane, boat, car or rocket.

Pure tone means any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purposes of this article, a pure tone shall exist if the one-third octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by five dB for center frequencies of 500 Hz and above and by eight dB for center frequencies between 160 and 400 Hz and by 15 dB for center frequencies less than or equal to 125 Hz.

Quiet zone means property on which a school, hospital, clinic or other noise sensitive facility is operated.

Repetitive impulsive sound means any sound which is composed of impulsive sounds that are repeated at sufficiently slow rates such that a sound level meter set at "fast" meter characteristic will show changes in sound pressure level greater than ten dB(A).

Residential property line means the boundary of any parcel zoned or used for residential purposes.

Sound level means the weighted sound pressure level obtained using a sound level meter and frequency weighting network, such as A, B or C, as specified in American National Standards Institute specifications for sound level meters. If the frequency weighting employed is not indicated, the A-weighting shall apply.

Sound level meter means an instrument for the measurement of sound, including a microphone, amplifier, RMS detector and integrator, output meter and weighted networks, that is sensitive to pressure fluctuations. The instrument reads sound pressure levels when properly calibrated and is of type H or better so specified in ANSI publication S1.4-1971 or its successor body.

Sound pressure level means expressed in decibels, 20 times the logarithm to the ratio of the pressure of the sound to a reference pressure, which reference pressure shall be explicitly stated.

Stationary sound source means any device, fixed or movable, which is located or used on property other than a public right-of-way.

Vibration means an oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity or acceleration with respect to a given reference point.

Sec. 8.02.003-3. Noise standards.

- A. The following noise standards, unless otherwise specifically indicated, shall apply to all property with a designated land use district:

TABLE 1
LIMITING SOUND LEVELS FOR LAND USE DISTRICTS

Land Use District	Time of Day	Energy Equivalent Sound Levels (Leq)
Residential	10:00 p.m. to 7:00 a.m.	52 dB(A)
	7:00 a.m. to 10:00 p.m.	62 dB(A)
Office, retail	Anytime	62 dB(A)
Commercial	Anytime	67 dB(A)
Industrial	Anytime	70 dB(A)

- B. It shall be unlawful for any person at any location in the town to create any noise, or to allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level when measured on or beyond the boundaries of the property on which the noise is produced, or measured within any other residential dwelling unit or commercial space, to exceed:
1. The noise standard in any measurement period not less than 30 minutes.
 2. The noise standard, plus 15 dB(A) in any one-minute average of a measurement period.
 3. The noise standard, plus 20 dB(A) at any time in a measurement period.
- C. For the purpose of enforcing the provisions of this section, a measurement period shall not be less than 30 minutes.
- D. The sound level limits established in Table 1 as set out in subsection A of this section for residential districts shall be applicable to all quiet zones.
- E. If the ambient sound level exceeds the resulting standards, the ambient level shall be the standard.
- F. If the intruding noise source is continuous and cannot reasonably be discontinued or stopped, the measured sound level obtained while the source is in operation shall be compared directly to the applicable standard in the receiving land use district on which the sound is measured.
- G. Correction for character of sound. For any stationary source of sound which emits a pure tone, cyclically varying sound or repetitive impulsive sound, the limits set forth in Table 1 which is set out in subsection A of this section shall be reduced by five dB(A).
Notwithstanding compliance with this subsection, it shall be a violation of this article for any person to operate or permit any stationery source of sound to be operated on which emits a pure tone, cyclically varying, or repetitive impulsive sound which creates a noise disturbance.
- H. When the land use district design of the property on which the source of sound originates differs from the designation of the property on which the sound is measured, the maximum permissible sound level of the more restrictive land use district designation shall apply.
- I. For sound emitted on public property, the measurement distance shall be 50 feet (15 meters), and the sound level limit for the appropriate land use district shall apply.

Sec. 8.02.003-4. Prohibited noise.

- A. No person shall allow, make, or cause to be made, any unreasonably loud or disturbing noise in the town which is offensive to an adult person within the town; which noise

renders the enjoyment of life or property uncomfortable, or interferes with public peace and comfort; nor shall any person allow, make, or cause to be made, any unreasonably loud or disturbing noise in the town.

- B. Noise is considered *audible* if it can be heard by a Code Officer with the unaided human ear, regardless of decibel level.
- C. The following activities, among others, but not to exclude other such acts, are declared to create unreasonably loud or disturbing noises in violation of this article, unless a permit of variance is first obtained, namely:
 - 1. *Animals*. Owning, keeping, possessing or harboring any animals which, by noise making, disturb or interfere with the peace, comfort or repose of neighboring residents, or cause a noise disturbance. The provisions of this article shall apply to all public and private facilities, including any animal shelter or commercial kennel, which hold or treat animals.
 - 2. *Radios, television sets, musical instruments, loud speaking amplifiers and similar devices*.
 - a) The using, operating or permitting to be played, used or operated any sound production or reproduction device, radio receiving set, musical instrument, drums, phonograph, television set, loudspeakers and sound amplifiers or other machine or device for the producing or reproducing of sound in such a manner to cause a noise disturbance.
 - b) The operation of any such radio, instrument, phonograph, television set, machine, loudspeakers or similar device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located, shall be prima facie evidence of a violation of this article.
 - c) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any cause or demonstration, or to any performance, show, sale or display of merchandise to attract customers to any place of business when such use is done in a manner which causes a noise disturbance.
 - d) The use of mechanical devices, loudspeakers, sound amplifiers or other instruments or devices on trucks or other moving vehicles for the purpose of attracting attention to any cause or demonstration, or for advertising any show, sale or display of merchandise when such use is done in a manner which causes a noise disturbance.
 - 3. *Yelling, shouting, hooting, whistling and singing*. The yelling, shouting, crying, hooting, whistling or singing of peddlers, hawkers or any other person in a manner that causes a noise disturbance.

4. *Loading operations.* The loading or unloading of any vehicle between the hours of 7:00 p.m. and 7:00 a.m. the following day on any premises in a residential district, or within 500 feet of any residence in such a manner as to cause a noise disturbance.
5. *Construction work.*
 - a) Operating any equipment in a nonresidential district used for commercial construction, repair, alteration or demolition work on buildings, structures, streets, alleys or appurtenances.
 - b) Operating any equipment in a residential district, or within 500 feet of any residence, used in commercial construction, repair, alteration or demolition work on buildings, structures, streets, alleys or appurtenances thereto and/or the erection, including excavation, demolition, alteration or repair of any building in a residential district, or within 500 feet of any residence, at times other than between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Friday, and 9:00 a.m. and 5:00 p.m. on Saturday.
6. *Vehicle repairs or testing.* The repairing, rebuilding, modifying or testing of any motor vehicle (including off-road vehicles) or watercraft on private property, on a public right-of-way, on a public space, or in a quiet zone, between the hours of 7:00 p.m. and 7:00 a.m. the following day, in such a manner as to cause a noise disturbance.
7. *Impulsive sources.* Causing impulsive sound sources including, but not limited to, the use of fireworks, explosives, the firing of guns or other explosive devices in such a manner as to cause a noise disturbance. This is not intended to preclude any existing ordinances prohibiting such acts.
8. *Powered model mechanical devices.* The flying of model aircraft powered by internal combustion engines, whether tethered or not, or the firing or operating of model rocket vehicles or other similar noise producing devices, between the hours of 10:00 p.m. and 7:00 a.m. the following day, in such a manner as to cause a noise disturbance.
9. *Refuse compacting vehicles.* Operating or permitting any refuse compacting, processing or collecting vehicle or parking lot to sweeper between the hours of 10:00 p.m. and 7:00 a.m. the following day, in any residential district, or within 500 feet of any residence in such a manner as to cause a noise disturbance.
10. *Quiet zone.* Creating a noise disturbance on any street adjacent to any school, hospital, clinic or other noise sensitive facility, when conspicuous signs are located at such streets indicating that schools, hospitals, clinics, or other noise sensitive facilities are adjacent thereto.

11. *Vibration.* Using or causing the use of any device that creates any ground vibration which is perceptible without instruments at any point on or beyond the property boundary of the source if on private property or at 50 feet from the source if on a public space or public right-of-way.
12. *Stationary nonemergency signaling devices.* Sounding or permitting the sounding of any electronically activated or amplified signal from any stationary bell, chime, siren, whistle, or similar device, intended primarily for nonemergency purposes, from any place for more than five minutes during any consecutive 60-minute period.
13. *Outdoor amplified sound from commercial establishments.* Prohibited unless specifically authorized by the Town under a special permit.

A permit may be issued only if:

- (a) The sound is limited to background-level only;
- (b) No subwoofers or bass-projecting equipment are used;
- (c) Speakers are oriented inward toward the building and never toward residences;
- (d) Music or public address is not audible at any residential property line.

14. *Amplified Sound on Outdoor patios.* Outdoor patios within **300 feet** of any residence shall not use amplified sound and must cease all customer use by:
 - a) **9:00 PM** Sunday–Thursday
 - b) **10:00 PM** Friday–Saturday
 - c) No outdoor bar counters, outdoor DJs, outdoor televisions, or entertainment stages shall be allowed within **500 feet** of a residence.
 - d) Patio occupancy may be limited by the Town when necessary to protect residential quiet.

Sec. 8.02.003-5. Quiet Hours.

Quiet hours shall be:

- **Sunday–Thursday: 9:00 PM – 7:00 AM**
- **Friday–Saturday: 10:00 PM – 8:00 AM**

During quiet hours:

- No outdoor customer activity is permitted within 300 feet of a residence.
- No amplified sound is permitted anywhere.
- All loading, deliveries, and trash pickup must cease.

Sec. 8.02.003-6. Speakers and Equipment Restrictions.

- A. Outdoor subwoofers are prohibited in the Town.
- B. Speaker systems must include automatic volume limiters if any permit is issued.
- C. Speakers may not be mounted higher than **10 feet** above ground level.

D. No speakers may face residential areas.

- (a) Any unreasonably loud, disturbing, unnecessary noise which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof is hereby declared to be a nuisance and is hereby prohibited.
- (b) Any noise of such character, intensity, and continued duration which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities is hereby declared to be a nuisance and is hereby prohibited.
- (c) The following acts, among others, are declared to be noise nuisances in violation of this article, but said enumerations shall not be deemed to be exclusive, to wit:
 - (1) *Radios.* The playing of any radio, television, phonograph or other musical instrument in such manner or with such volume, particularly during the hours between 11:00 o'clock p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons of ordinary sensibilities in any dwelling, hotel, or other type of residence.
 - (2) *Loudspeakers.*
 - (A) The use of any stationary loudspeaker or amplifier or other musical instrument in such manner or with such volume, particularly between 11:00 p.m. and 7:00 a.m., that annoys and disturbs persons of ordinary sensibilities in the immediate vicinity thereof;
 - (B) The operation of such loudspeaker or amplifier or other musical instrument at any time on Sunday.

Provided, however, that, upon application by the user of such devices, the town may make special exemption or exception to this subsection for such time or times as the town feels will serve the public welfare.
 - (3) *Animals.* The keeping of any animal or bird which by causing frequent or long-continued noise shall disturb the comfort and repose of any person of ordinary sensibilities in the immediate vicinity.
 - (4) *Whistles.* The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger, or the blowing of any other loud or far-reaching steam whistle within the town limits.
 - (5) *Compressed air.* The use of any mechanical device operated by compressed air, unless the noise to be created is effectively muffled and reduced.
 - (6) *Building; operation of equipment.*
 - (A) The erection, including excavation, demolition, alteration, or repair work, of any building at any time other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays from September 16 to May 14, other than between the hours of 6:00 a.m. and 6:00 p.m. on weekdays from May 15 to September 15, other than between the hours of 7:00 a.m. and

5:00 p.m. on Saturdays, or at any time on Sundays, except in the case of urgent necessity in the interest of public safety and convenience, and then only by permit from the town council, which permit may be renewed by the town council during the time the emergency exists.

- (B) The operation of any equipment, machinery or apparatus for excavation, construction, grading, earth moving, paving, concrete laying or pouring, drilling or work of any nature, or the operation of any chainsaw, other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, other than between the hours of 7:00 a.m. and 5:00 p.m. on Saturdays, or at any time on Sundays, except in case of urgent necessity in the interest of public safety and convenience, and then only by permit from the town council, which permit may be renewed by the town council during the time the emergency exists.
 - (C) The operation, other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, and other than between the hours of 7:00 a.m. and 5:00 p.m. on Saturdays, and not at any time on Sundays, of any equipment, truck or machinery which emits noises of such intensity or loudness that annoy or disturb persons of ordinary sensibility within such distance, except in the case of urgent necessity in the interest of public safety and convenience, and then only by permit from the town council, which permit may be renewed by the town council during the time the emergency exists.
 - (D) Notwithstanding any of the above, the town council shall have the authority to issue a permit for alteration or for repair work or new construction in connection with owner-occupied residences when the particular work is to be performed by the owner-occupant of the premises when such work is to be between the hours of 7:00 p.m. and 9:00 p.m. Monday through Friday, inclusive, or between the hours of 5:00 p.m. and 9:00 p.m. Saturday, inclusive.
 - (E) This article is not intended to prohibit and shall not prohibit in any way the operation of power lawnmowers or other lawn equipment used for agricultural purposes or lawn maintenance.
- (7) *Noise near schools or hospitals.* The creation of any excessive noise on any street adjacent to any school or institution of learning while the same is in session, or adjacent to any hospital, which unreasonably interferes with the workings of such institutions, provided conspicuous signs or other evidence is displayed in such manner as to indicate that such is a school or hospital street, or that such institutions are schools or hospitals.
- (8) *Loading or unloading.* The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and containers.
- (9) *Shouting of peddlers.* The raucous shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.

- (10) *Shouting on streets.* The loud speaking, orating or exhorting by any person upon any public street or sidewalk within the town limits which disturbs the peace and quiet of persons of reasonable sensibilities.
- (11) *Drums or other instruments used for attracting attention.* The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention by creation of noises, such as speaking, music or hallooing, to any performance, show, theater, moving-picture house, sale of merchandise, or display, which causes crowds of people to block or congregate upon the sidewalks and/or streets near or adjacent thereto.
- (12) *Engine brakes.*
- (A) This subsection applies to the use or operation of an auxiliary or compression engine brake (also known as "Jake" brake) which produces any noise in addition to the normal operating engine noise. Operation of an auxiliary or compression brake is prohibited within the town limits. This provision is not intended to prohibit the passage of vehicles equipped with engine brakes in posted areas but rather prohibit the use of such equipment in posted areas.
- (B) It shall be unlawful for any driver of a truck or truck-tractor to activate or use the unit's engine brake within the town limits except in an emergency situation.
- (C) The term "emergency situation," for the purposes of this subsection, shall mean one in which there is imminent danger or collision with property, persons or animals.
- (D) The town administrator, or his designee, is hereby authorized to have the proper traffic signs erected, constructed, and placed at such points along said highways, streets or alleys, or portions hereof under construction, maintenance or repair so that travelers will be reasonably notified of said regulations.
- (E) Any person violating any of the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed \$500.00 and a separate offense shall be deemed committed each time a violation occurs.

(2004 Code, § 8.102; Ord. No. 2010-06, 3-9-10; Ord. No. 2010-17, § 2, 10-26-10; Ord. No. 2020-06, § 2, 3-24-20; Ord. No. 2024-11, § 2(Exh. A), 3-18-24)

State Law reference— Authority of municipality to restrain or prohibit the ringing of bells, blowing of horns, hawking of goods, or any other noise, V.T.C.A., Local Government Code § 217.003; disorderly conduct, V.T.C.A., Penal Code § 42.01.



Mayor and Council Agenda Item Memorandum

ITEM TYPE

Action Item

MEETING DATE:

April 2, 2026

PRESENTER:

Mike Smith, Town Manager

REQUESTED BY:

N/A

ITEM DESCRIPTION:

Discuss, consider, and take action on Resolution No. 2026-18 approving a Professional Services Agreement with Catalyst Commercial, Inc. for the purpose of providing on-call economic modeling and development analysis services and authorizing the Town Manager to negotiate the agreement and the Mayor to execute said agreement on behalf of the Town of Argyle.

BACKGROUND INFORMATION:

The Town of Argyle continues to experience growth and development activity requiring careful evaluation of development agreements, land use planning decisions, and long-term financial impacts. To support these efforts, the Town seeks specialized economic modeling and financial analysis services to assist in evaluating proposed developments and their fiscal impact.

Catalyst Commercial, Inc. is a consulting firm with expertise in economic modeling, market analysis, and development feasibility. The firm provides services that assist municipalities in analyzing development scenarios, forecasting tax revenues, and evaluating land use assumptions to support informed decision-making.

Under the proposed Professional Services Agreement (PSA), Catalyst Commercial, Inc. will provide on-call services on an as-needed, task order basis. Services include review of developer and staff-submitted development assumptions, preparation of independent economic projections, and development of financial models estimating long-term tax

revenues, including property tax, sales tax, and hotel occupancy tax. These analyses will assist the Town in evaluating development proposals, negotiating development agreements, and ensuring that projects align with the Town's long-term financial goals.

Services will be authorized by the Town Manager or designee and invoiced monthly based on actual hours worked. This structure allows the Town to utilize services only when needed while maintaining budget control.

The engagement of Catalyst Commercial, Inc. supports the Town's commitment to data-driven decision-making, fiscal responsibility, and strategic planning as development continues along key corridors and within identified growth areas.

FISCAL IMPACT:

- Not Applicable
- Proposed Expenditure: \$25,000
- General Ledger Code: 100-5-410-3210
- Proposed Revenue:
- Budget Amendment Required: Yes
- Financial Review Completed by: Mike Sims

LEGAL REVIEW:

The Town Attorney reviewed this item.

ATTACHMENTS:

- A. Resolution 2026-18
- B. PSA Exhibit A
- C. PSA Exhibit B
- D. PSA Exhibit C

RECOMMENDED MOTION AND/OR ACTION:

Move to adopt Resolution No. 2026-18 approving a Professional Services Agreement with Catalyst Commercial, Inc. and authorize the Mayor to execute the agreement on behalf of the Town.

**TOWN OF ARGYLE, TEXAS
RESOLUTION NO. 2026-18**

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF ARGYLE TEXAS, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH CATALYST COMMERCIAL INC FOR THE PURPOSE OF PROVIDING ON-CALL ECONOMIC MODELING AND DEVELOPMENT ANALYSIS SERVICES AND AUTHORIZING THE TOWN MANAGER TO NEGOTIATE THE AGREEMENT AND THE MAYOR TO EXECUTE SAID AGREEMENT ON BEHALF OF THE TOWN OF ARGYLE.

WHEREAS, the Town of Argyle (“Town”) periodically requires professional consulting services to support evaluation of development agreements, land use planning, and long-term financial impacts; and

WHEREAS, Catalyst Commercial, Inc. (“Consultant”) possesses the qualifications, expertise, and experience necessary to provide on-call economic modeling and analysis services, including development scenario evaluation and long-range tax revenue projections; and

WHEREAS, pursuant to Chapter 252 of the Texas Local Government Code, the Town is authorized to engage professional services without competitive bidding when appropriate; and

WHEREAS, the Town Council finds that it is in the best interest of the residents of the Town to engage Catalyst Commercial, Inc. (“Consultant”) to perform the services described in Exhibit B; and

WHEREAS, services under this Agreement will be performed on an as-needed, task order basis, with compensation provided on an hourly basis in accordance with the fee schedule attached as Exhibit C, with a total contract amount not to exceed \$25,000; and

WHEREAS, the Town Council finds it appropriate to authorize the Town Manager to negotiate the final terms of the Professional Service Agreement consistent with the proposal submitted; and

WHEREAS, the Town Council desires to authorize the Mayor to execute the finalized Professional Services Agreement substantially in the form attached hereto as Exhibits A, B, and C, and any related documents necessary to effectuate the engagement;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF ARGYLE, TEXAS:

- Section 1.** That, the above findings are hereby found to be true and correct and are incorporated herein in their entirety.

- Section 2.** The Professional Services Agreement between the Town of Argyle and Catalyst Commercial, Inc. for on-call economic modeling and development analysis services is hereby approved in substantially the form attached hereto as Exhibits A, B, and C, together with any other documents necessary to carry out the intent of this Resolution.

- Section 3.** The Town Manager, or designee, is hereby authorized to negotiate and finalize the terms of the Agreement, provided that such terms are consistent with the Council’s direction and the approved not-to-exceed amount.

- Section 3.** The Mayor is hereby authorized to execute the Professional Services Agreement and any associated documents necessary to carry out the intent of this Resolution.

- Section 3.** That this resolution shall become effective immediately upon its adoption

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF ARGYLE THIS THE 2nd DAY OF APRIL 2026.

APPROVED:

Ronald Schmidt, Mayor

ATTEST:

Erika McComis, Town Secretary

PROFESSIONAL SERVICES AGREEMENT

BETWEEN THE TOWN OF ARGYLE, TEXAS, AND CATALYST COMMERICA, INC.

This Professional Services Agreement (“Agreement”) is made and entered into on this April 2, 2026 by and between the Town of Argyle, Texas, a general law municipality of the State of Texas (the “Town”), and Catalyst Commercial Inc, with a principal place of business at 3838 Oak Lawn Avenue, Sute 1230, Dallas, Texas 75219, (the “Consultant”).

RECITALS

WHEREAS, the Town desires to engage Consultant to provide on-call economic modeling and analysis services to help the Town of Argyle evaluate development scenarios, project long-term tax revenues, and support informed decision-making for development agreements; and

WHEREAS, Consultant represents that it has the expertise, experience, and personnel necessary to provide such professional services; and

WHEREAS, the parties desire to set forth the terms and conditions under which the Consultant shall provide these services to the Town: and

WHEREAS, the Town has determined that Consultant is the most qualified firm for the project(s).

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

I. TERM

The term of this Agreement shall commence upon full execution of this Agreement by both partners and continue until all services have been completed set forth in Exhibit B (Scope of Services), unless earlier terminated in accordance with Section XI (Termination). Consultant shall complete all services within the timeframe set forth in Exhibit B (Scope of Services).

II. SCOPE OF SERVICES

Consultant agrees to provide [list most important specifics from Scope of Services] as further described in Exhibit B (Scope of Services). Services include, but are not limited to:

- Provide on-call economic modeling support to evaluate development agreements and land use scenarios.
- Analyze proposed projects to estimate long-term (30-year) tax revenues, including property, sales, and hotel occupancy taxes.
- Review developer and staff-submitted data for accuracy, assumptions, phasing, and financial feasibility.
- Develop independent projections and alternative scenarios based on land use and development goals.

- Deliver findings in Excel models with supporting memos outlining assumptions, insights, and recommendations.

III. COMPENSATION

The total contract amount for services rendered under this Agreement shall not exceed \$25,000 unless amended in writing by both parties. Compensation shall be based on the fee schedule attached in Exhibit C. The Town shall make payments within thirty (30) days of receipt and approval of invoices.

IV. INDEPENDENT CONTRACTOR STATUS

Consultant is an independent contractor and not an employee, agent, or representative of the Town. Consultant shall have control over the manner and means of performing its services but shall perform all work in accordance with applicable laws and regulations.

V. ASSIGNMENT

Consultant shall not assign or subcontract any portion of this Agreement without prior written consent from the Town.

VI. AMENDMENTS

No modification of this Agreement shall be valid unless it is in writing and signed by both parties.

VII. OWNERSHIP OF DOCUMENTS

All documents, reports, plans, and other deliverables prepared by Consultant under this Agreement shall become the property of the Town upon payment for services rendered.

VIII. NONDISCLOSURE

Consultant shall not disclose any confidential information obtained during the course of performing services without prior written approval from the Town.

IX. INDEMNIFICATION

CONSULTANT AGREES TO DEFEND, INDEMNIFY, AND HOLD HARMLESS THE TOWN, ITS OFFICERS, EMPLOYEES, AND AGENTS FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES (INCLUDING DEATH) ARISING FROM CONSULTANT'S PERFORMANCE, EXCEPT TO THE EXTENT CAUSED BY THE SOLE NEGLIGENCE OF THE TOWN.

X. INSURANCE REQUIREMENTS

Consultant shall maintain the following insurance coverage for the duration of this Agreement:

Commercial General Liability Insurance - \$1,000,000 per occurrence
 Professional Liability (Errors & Omissions) Insurance - \$1,000,000 per claim
 Automobile Liability Insurance - \$1,000,000 combined single limit
 Workers' Compensation Insurance - Statutory coverage

Consultant shall name the Town as an additional insured and provide proof of insurance prior to commencing work.

XI. TERMINATION

A. Termination for Convenience

The Town and Consultant may terminate this Agreement at any time upon thirty (30) days written notice to Consultant.

B. Termination for Cause

If Consultant fails to perform its obligations, the Town may terminate this Agreement upon five (5) days written notice, provided Consultant does not cure the deficiency within the notice period.

Upon termination, Consultant shall be compensated for services satisfactorily performed prior to termination.

XII. DISPUTE RESOLUTION

Disputes arising under this Agreement shall first be resolved through informal negotiation. If unresolved, the parties agree to mediate the dispute before seeking litigation.

XIII. GOVERNING LAW & VENUE

This Agreement shall be governed by the laws of the State of Texas. Venue for any legal action shall be in Denton County, Texas.

XIV. COMPLIANCE WITH LAWS

Consultant shall comply with all applicable federal, state, and local laws, including procurement and nondiscrimination regulations.

XV. MISCELLANEOUS PROVISIONS

No Waiver – Failure to enforce any provision shall not constitute a waiver of rights.

Severability – If any provision is found invalid, the remaining provisions shall remain in effect.

Entire Agreement – This Agreement, including Exhibits A, B, and C constitutes the entire understanding between the parties.

XVI. NOTICES

All notices under this Agreement shall be sent to:

Town of Argyle
Attn: Town Manager
308 Denton Street
Argyle, TX 76226

Catalyst Commercial, Inc
Attn: [FirstName LastName]
3838 Oak Lawn Avenue, Suite 1230
Dallas, Texas 75219

XVII. STATUTORY VERIFICATIONS

The Consultant makes the following representation and verifications to enable the Town to comply with Chapters 2252, 2271, 2274, and 2276, Texas Government Code, as heretofore amended (the “Government Code”), in entering into this Agreement. As used in such verifications, “affiliate” means an entity that controls, is controlled by, or is under common control with the Consultant within the meaning of SEC Rule 405, 17 C.F.R. § 230.405, and exists to make a profit. Liability for breach of any such verification prior to the expiration or earlier termination of this Agreement shall survive until barred by the applicable statute of limitations, and shall not be liquidated or otherwise limited by any provision of this Agreement, notwithstanding anything in this Agreement to the contrary.

(a) Not a Sanctioned Company. The Consultant represents that neither it nor any of its parent company, wholly- or majority-owned subsidiaries, and other affiliates is a company identified on a list prepared and maintained by the Texas Comptroller of Public Accounts under Section 2252.153 or Section 2270.0201, Government Code. The foregoing representation excludes the Consultant and each of its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, that the United States government has affirmatively declared to be excluded from its federal sanctions regime relating to Sudan or Iran or any federal sanctions regime relating to a foreign terrorist organization.

(b) No Boycott of Israel. The Consultant hereby verifies that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not boycott Israel and will not boycott Israel during the term of this Agreement. As used in the foregoing verification, “boycott Israel” has the meaning provided in Section 2271.001, Government Code.

(c) No Discrimination Against Firearm Entities. The Consultant hereby verifies that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association and will not discriminate against a firearm entity or firearm trade association during the term of this Agreement. As used in the foregoing verification, “discriminate against a firearm entity or firearm trade association” has the meaning provided in Section 2274.001(3), Government Code.

(d) No Boycott of Energy Companies. The Consultant hereby verifies that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not boycott energy companies and will not boycott energy companies during the term of this Agreement. As used in the foregoing verification, “boycott energy companies” has the meaning provided in Section 2276.001(1), Government Code.

XVIII. FORM 1295

Submitted herewith is a completed Form 1295 in connection with the Consultant’s participation in the execution of this Agreement generated by the Texas Ethics Commission’s (the “TEC”) electronic filing application in accordance with the provisions

of Section 2252.908 of the Texas Government Code and the rules promulgated by the TEC (the "Form 1295"). The Town hereby confirms receipt of the Form 1295 from the Consultant, and the Town agrees to acknowledge such form with the TEC through its electronic filing application not later than the 30th day after the receipt of such form. The Consultant and the Town understand and agree that, with the exception of information identifying the Town and the contract identification number, neither the Town nor its consultants are responsible for the information contained in the Form 1295; that the information contained in the Form 1295 has been provided solely by the Consultant; and, neither the Town nor its consultants have verified such information.

SIGNATURES

TOWN OF ARGYLE

CATALYST COMMERCIAL, INC

By: _____
Ronald Schmidt, Mayor

By: _____
[Name], [Position/Title]

Date: _____

Date: _____

EXHIBITS

- Exhibit A – Agreement (this document)
- Exhibit B – Scope of Services
- Exhibit B – Compensation/Fee Schedule

PSA EXHIBIT B: SCOPE OF WORK CATALYST COMMERCIAL

I. PURPOSE

Assist the Town of Argyle in the formulation of effective and sound development agreements through the use of economic models. The goal is assess the local area with staff and developer input and provide input on realistic mixes of commercial business, market absorption over time and ultimate generation of multiyear tax flows to the Town of Argyle. This work will be on-call, with different levels of involvement for different projects in the Town of Argyle. From time to time, this work may involve assessments of voluntary annexation agreements.

II. TARGET AREAS

The initial target area will be locations along the IH35W corridor from Robson/Crawford to FM407, including but not limited to the Heath Tract. Argyle Town Center (Cook to Frenchtown/US377) to Myrtle will be considered as well.

III. TASK 1: PEER REVIEWS

Utilizing submittals of land use mix, property tax, sales tax and hotel occupancy tax from staff and developers, review for tenant mix, taxes generated, phasing and growth over time, taxable versus non taxable assumptions, and other variables to provided 30 year estimates of tax flows. Provide results in MSExcel format with memo summarizing assumptions, comments and conclusions regarding alterations and improvements to data provided.

IV. TASK 2: INDEPENDENT PROJECTIONS

Given raw land use assumptions and development goals, provide scenarios of tenant mix, taxes generated, phasing and growth over time, taxable versus non taxable assumptions, and other variables to provide 30 year estimates of tax flows. Provide results in MSExcel format with memo summarizing assumptions, comments and conclusions.

V. COMPENSATION

All work shall be limited to specific, written task requests provided by the Town Manager and shall be billed monthly on an hourly cost basis. This contract shall not exceed \$25,000.

EXHIBIT C
COMPENSATION SCHEDULE
TOWN OF ARGYLE & CATALYST COMMERCIAL

I. COMPENSATION STRUCTURE

The Town agrees to compensate Consultant for professional services rendered in accordance with the Scope of Services outlined in Exhibit B. Compensation shall be based on the following structure:

II. COMPENSATION SCHEDULE

Services under this Agreement shall be performed on an as-needed, task order basis, as authorized in writing by the Town Manager or designee. Compensation shall be on an hourly basis at the following rates:

- Principal: \$550.00 per hour
- Senior Consultant: \$250.00 per hour
- Associate: \$175.00 per hour
- Professional Support Staff: \$105.00 per hour

The Consultant may update its rate schedule from time to time; however, any changes to the above rates must be approved in writing by the Town prior to implementation.

III. DELIVERABLES

1. Within 30 days of the effective date of this agreement, Consultant shall deliver to Town, a schedule for the tasks orders, such schedule to be satisfactory to Town.
2. Consultant shall deliver to Town all reports, studies, plans, analysis, and other documents resulting from Consultants work and such items shall be the property of the Town.

IV. REIMBURSABLE EXPENSES

The Town agrees to reimburse Consultant for actual out-of-pocket expenses incurred in connection with the performance of services under this Agreement, including:

1. Travel expenses (mileage at IRS standard rate, lodging, meals, etc., if pre-approved by the Town).
2. Printing, copying, and reproduction costs of reports, plans, and other deliverables.
3. Permitting fees or third-party consultant costs directly related to the project.
4. Courier services or special delivery requirements.

Reimbursable expenses shall:

1. Be invoiced at cost
2. Shall not include markup
3. Require prior written approval by the Town

V. PAYMENT TERMS

1. Consultant shall submit monthly invoices detailing services rendered, hours worked, and any approved reimbursable expenses.
2. The Town shall remit payment within thirty (30) days of receipt of an approved invoice.
3. Invoices must include:
 - Itemized description of services performed.
 - Identification of personnel and hourly rates.
 - Supporting documentation for reimbursable expenses.
4. Invoices should be submitted to: accounting@argyletx.com OR mailed to:

Town of Argyle
Attn: Accounts Payable
308 Denton Street E
Argyle, TX 76226

VI. ADDITIONAL SERVICES

If the Town requests services outside the defined scope, Consultant shall provide a written proposal detailing:

- Scope of additional work
- Estimated hours or fixed fee
- Impact on project schedule

Such additional work shall not commence without prior written approval from the Town.

VII. TOTAL CONTRACT VALUE

The maximum contract amount shall not exceed \$25,000 unless formally amended by both parties.

SIGNATURES

By signing below, the parties acknowledge agreement with the terms outlined in this **Compensation Schedule (Exhibit C)**.

TOWN OF ARGYLE

CATALYST COMMERCIAL, INC

By: _____
Ronald Schmidt, [Mayor]

By: _____
[Name], [Position/Title]

Date: [DATE]

Date: [DATE]